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Washington, Saturday, September 20, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

SCHEDULE A; TREASURY DEPARTMENT

At the request of the Secretary of the Treasury, the Commission has determined that an additional position of chauffeur to the Secretary of the Treasury should be excepted from the competitive service. Section 6.4 (a) (3) (x) (12 F. R. 2595) is therefore amended to read as follows, effective upon publication in the FEDERAL REGISTER:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A* * * *

(3) *Treasury Department* * * *

(x) Two chauffeurs for the Secretary of the Treasury.

(Sec. 6.1 (a), E. O. 9830, Feb. 24, 1947, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 47-8557; Filed, Sept. 19, 1947; 9:32 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

UNITED STATES STANDARDS FOR CITRUS FRUITS

Notices of proposed rule making were published in the FEDERAL REGISTER issues of July 3, 1947 (12 F. R. 4351) and August 13, 1947 (12 F. R. 5487) regarding further amendments to the United States Standards for Citrus Fruits (7 CFR 1946 Supp., 51.191 et seq.; 12 F. R. 1). After consideration of all relevant matters, including the written data, views and arguments presented pursuant to such notices, it is hereby found and determined that the proposals published in the aforementioned notices should be adopted, and it is so ordered. The amendments provide additional measurements for the internal quality of citrus fruits and will, in general, improve the quality of fruit graded in accordance with the standards. For purposes of clarity and convenient reference, the existing Standards for Citrus Fruits, as further amended by the proposals now being adopted, are set forth in their entirety below.

Compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable, unnecessary and contrary to the public interest in that the packing season for citrus fruits will commence during the month of September, and it is in the public interest that the standards, as hereby amended, be in effect at the commencement of the packing season. It is hereby ordered that effective ten days after publication of this document in the FEDERAL REGISTER, the United States Standards for Citrus Fruits shall be as follows:

§ 51.191 *Citrus fruits*—(a) *General.* (1) These standards apply only to the common or sweet orange group, grapefruit, and varieties belonging to the Mandarin Group, except tangerines. These standards do not apply to tangerines or to California and Arizona citrus fruits for which separate U. S. Standards are issued.

(2) The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below: *Provided*, The averages for the entire lot, based on sample inspection, are within the tolerances specified.

(3) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

(4) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

(b) *Grades*—(1) *U. S. Fancy.* U. S. Fancy shall consist of citrus fruits of similar varietal characteristics, which

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

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are well colored, firm, well formed, mature, and of smooth texture; free from ammoniation, bird pecks, bruises, buckskin, creasing, cuts which are not healed, decay, growth cracks, scab, split navels, sprayburn, and undeveloped or sunken segments, from injury by black or unsightly discoloration, green spots or oil spots, pitting, rough and excessively wide or protruding navels, scale, scars, thorn scratches and from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, disease, insects, or mechanical or other means.

In this grade not more than one-tenth of the surface in the aggregate may be affected with discoloration. (See Tolerances.)

(2) *U. S. No. 1.* U. S. No. 1 shall consist of citrus fruits of similar varietal characteristics which are fairly well colored, firm, well formed, mature, and of fairly smooth texture; free from bruises, cuts which are not healed, decay, growth cracks, sprayburn, undeveloped or sunken segments, and from damage caused by ammoniation, bird pecks, buckskin, black or unsightly discoloration, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprouting, sunburn, thorn scratches, disease, insects or mechanical, or other means.

In this grade not more than one-third of the surface in the aggregate may be affected with discoloration. (See Tolerances.)

(3) *U. S. No. 1 Bright.* The requirements for this grade are the same as for U. S. No. 1 except that no fruit may have more than one-tenth of its surface in the aggregate affected with discoloration. (See Tolerances.)

(4) *U. S. No. 1 Golden.* The requirements for this grade are the same as for U. S. No. 1 except that not more than 30 percent, by count, of the fruits shall have in excess of one-third of the surface in the aggregate affected with discoloration. (See Tolerances.)

(5) *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except that more than 30 percent but not more than 75 percent, by count, of the fruits shall have in excess of one-third of the surface in the aggregate affected with discoloration; *Provided,* That when the predominating discoloration on each of 75 percent or more, by count, of the fruits is caused by rust mite, all fruits may have in excess of one-third of the surface affected with discoloration. (See Tolerances.)

(6) *U. S. No. 1 Russet.* The requirements for this grade are the same as for U. S. No. 1 except that more than 75 percent, by count, of the fruits shall have in excess of one-third of the surface in the aggregate affected with discoloration. (See Tolerances.)

(7) *U. S. No. 2.* U. S. No. 2 shall consist of citrus fruits of similar varietal characteristics, which are mature, fairly firm, not more than slightly misshapen or slightly rough, and which are free from bruises, cuts which are not healed, decay, growth cracks, and are free from serious damage caused by ammoniation, bird pecks, black or unsightly discoloration, buckskin, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprayburn, sprouting, sunburn, thorn scratches, undeveloped

or sunken segments, disease, insects, mechanical, or other means.

(i) Each grapefruit may be only slightly colored. As applied to oranges, each fruit shall meet the following requirements for color:

(*a*) Oranges of the early and midseason varieties shall be reasonably well colored.

(*b*) Oranges of the Valencia and other late varieties shall show yellow or orange color predominating over the green color on at least one-third of the fruit surface, in the aggregate, which is not discolored.

(ii) Not more than two-thirds of the surace, in the aggregate, may be affected with discoloration. (See Tolerances.)

(8) *U. S. Combination Grade.* (i) Any lot of citrus fruits, except oranges, may be designated "U. S. Combination" when not less than 40 percent, by count, of the fruits in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade. (See Tolerances.)

(ii) As applied to oranges, not less than 50 percent, by count, of the fruits in each container shall meet the requirements of U. S. No. 1 grade, and each of the remainder of the oranges, in addition to meeting all other requirements of the U. S. No. 2 grade, shall be well formed, shall have not more than one-half of the surface, in the aggregate, affected with discoloration, and shall meet the following requirements for color:

(*a*) Oranges of the early and midseason varieties shall be fairly well colored.

(*b*) Oranges of the Valencia and other late varieties shall be reasonably well colored.

(9) *U. S. Combination Russet Grade.* Any lot of citrus fruits may be designated "U. S. Combination Russet" when not less than 40 percent, by count, of the fruits in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade except that in this combination grade each fruit shall have in excess of one-third of the surface in the aggregate affected with discoloration. (See Tolerances.)

(10) *U. S. No. 2 Bright.* The requirements for this grade are the same as for U. S. No. 2 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected with discoloration. (See Tolerances.)

(11) *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 10 percent, by count, of the fruit shall have in excess of two-thirds of the surface, in the aggregate, affected with discoloration. (See Tolerances.)

(12) *U. S. No. 3.* U. S. No. 3 shall consist of citrus fruits of similar varietal characteristics which are mature; which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked; which are free from cuts which are not healed and from decay; and from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, creasing, dryness or mushy condition, pitting, scab, scale, split navels, sprayburn, sprouting, sunburn, thorn punctures, disease, insects, mechanical or other means. The fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See Tolerances.)

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) *U. S. Fancy.* Not more than 10 percent, by count, of the fruit in any container may be below the requirements of this grade, but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage; not more than one-fourth of the tolerance, or 2½ percent, shall be allowed for damage by black or unsightly discoloration; and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point; *Provided,* That a total tolerance of not more than 3 percent shall be allowed for decay enroute or at destination. No part of any tolerance shall be allowed for wormy fruit.

(2) *U. S. No. 1, U. S. No. 1 Bright, U. S. No. 2 Bright Grades.* Not more than 10 percent, by count, of the fruit in any container may be below the requirements of the grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruit in any container may not meet the requirements relating to discoloration but not more than one-fourth of this tolerance, or 2½ percent, shall be allowed for serious damage by black or unsightly discoloration. No part of any tolerance shall be allowed for wormy fruit.

(3) *U. S. No. 1 Golden and U. S. No. 1 Bronze Grades.* Not more than 10 percent, by count, of the fruit in any container may be below the requirements of the grade, but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruit having in excess of one-third of the surface in the aggregate affected with discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided,* That the entire lot averages within the percentage specified. No part of any tolerance shall be allowed for wormy fruit.

(4) *U. S. No. 1 Russet Grade.* Not more than 10 percent, by count, of the fruit in any container may be below the requirements of the grade but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point; *Provided,* That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruit having in excess of one-third of the surface in the aggregate affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided,* That the entire lot averages within the percentage specified. No part of any tolerance shall be allowed for wormy fruit.

(5) *U. S. No. 2.* Not more than 10 percent, by count, of the fruit in any container may be below the requirements of this grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, other than by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided,* That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruit in any container may not meet the requirements relating to discoloration. No part of any tolerance shall be allowed for wormy fruit.

(6) *U. S. Combination Grade.* Not more than 10 percent, by count, of the fruit in any container may be below the requirements of this grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage other than by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruit in any container may have more than the amount of discoloration specified, but not more than one-fourth of this tolerance, or 2½ percent, shall be allowed for serious damage by black or unsightly discoloration. No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 required in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 required or specified: *Provided,* That the entire lot averages within the percentage specified. No part of any tolerance shall be allowed for wormy fruit.

(7) *U. S. Combination Russet Grade.* Not more than 10 percent, by count, of the fruit in any container may be below the requirements of this grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage other than by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That a total

tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 20 percent, by count, of the fruit in any container may have less than one-third discoloration. No part of any tolerance shall be allowed to reduce, for the lot as a whole, the percentage of U. S. No. 1 except for discoloration required in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 except for discoloration required or specified: *Provided*, That the entire lot averages within the percentage specified. No part of any tolerance shall be allowed for wormy fruit.

(8) *U. S. No. 2 Russet Grade.* Not more than 10 percent, by count, of the fruit in any container may be below the requirements of this grade but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage other than by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point; *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruit having in excess of two-thirds of the surface in the aggregate affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required; *Provided*, That the entire lot averages within the percentage specified. No part of any tolerance shall be allowed for wormy fruit.

(9) *U. S. No. 3 Grade.* Not more than 15 percent, by count, of the fruit in any container may be below the requirements of this grade but not more than one-third of this tolerance, or 5 percent, shall be allowed for defects other than dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point; *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed for wormy fruit.

(d) *Standard pack for grapefruit and oranges except Temple variety.* (1) Fruit shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes, shall be arranged according to the approved and recognized methods. When wrapped, each fruit shall be enclosed in its individual wrapper and show at least one-half twist, except that in packs of oranges of a size 250 and smaller, only fruit in the top and bottom layers and fruit exposed at the sides of the box shall be required to be wrapped.

(2) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(3) When packed in standard nailed boxes, oranges shall show a minimum bulge of 1¼ inches. With grapefruit, the minimum bulge shall be 2 inches, except that boxes packed with grapefruit of a size 80 or smaller need only show a bulge of 1½ inches.

(4) "Fairly uniform in size" means that not more than a total of 10 percent, by count, of the fruit in any container is outside the range given below for various packs:

ORANGES

Pack	Diameter (in inches)	
	Minimum	Maximum
96's	3 5/16	3 13/16
126's	3 3/16	3 10/16
150's	3	3 6/16
176's	2 14/16	3 5/16
200's	2 12/16	3 2/16
216's	2 10/16	3
250's	2 8/16	2 14/16
288's	2 6/16	2 12/16
324's	2 4/16	2 10/16

GRAPEFRUIT

Pack	Minimum	Maximum
36's	5	5 9/16
46's	4 11/16	5 5/16
54's	4 9/16	4 15/16
64's	4 3/16	4 12/16
70's	3 15/16	4 8/16
80's	3 13/16	4 5/16
96's	3 9/16	4 2/16
112's	3 7/16	4
126's	3 5/16	3 14/16

(5) "Uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

Grapefruit, 64 size and smaller—not more than 6/16 inch in diameter.
Grapefruit, 54 size and larger—not more than 9/16 inch in diameter.
Oranges, 150 size and smaller—not more than 4/16 inch in diameter.
Oranges, 126 size and larger—not more than 5/16 inch in diameter.

(6) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may not meet the requirements of standard pack.

(e) *Definitions.* (1) "Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

(2) "Well colored" as applied to grapefruit means that the fruit is yellow in color with practically no trace of green color; as applied to oranges of the common and Mandarin groups, means that the fruit is yellow or orange in color with practically no trace of green color.

(3) "Firm" as applied to grapefruit and oranges, means that the fruit is not soft, or noticeably wilted or flabby; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), means that the fruit is not badly puffy, although the skin may be slightly loose.

(4) "Well formed" means that the fruit has the shape characteristic of the variety.

(5) "Smooth texture" means that the skin is thin and smooth for the variety and size of fruit.

(6) "Injury" means any defect or blemish which more than slightly affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as injury:

(i) Green spots or oil spots, when appreciably affecting the appearance of the individual fruit.

(ii) Rough and excessively wide or protruding navels, when protruding beyond the general contour of the orange; or when flush with the general contour but with the opening so wide, considering the size of the fruit, and the navel growth so folded and ridged that it detracts noticeably from the appearance of the orange.

(iii) Scale, when more than a few adjacent to the "button" at stem end, or when more than 6 scattered on other portions of the fruit.

(iv) Scars, when causing roughness of the fruit texture to a greater degree than is permitted under the term "smooth" as required in the grade; or when the scars affect the appearance of the fruit to a greater extent than the maximum of discoloration allowed in the grade.

(v) Thorn scratches, when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

(7) "Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

(8) "Fairly well colored" means that except for one inch in the aggregate of green color, the yellow or orange color predominates over the green color on that part of the fruit which is not discolored.

(9) "Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

(10) "Damage" means any defect or injury which materially affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(i) Ammoniation, when not occurring as light speck type similar to melanose.

(ii) Creasing when causing the skin to be materially weakened.

(iii) Dryness or mushy condition when affecting all segments of oranges and grapefruit more than one-fourth inch at the stem end or all segments of varieties of the Mandarin group more than ⅛ inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit.

(iv) Green spots or oil spots, when materially affecting the appearance of the individual fruit.

(v) Scab, when it cannot be classed as discoloration, or affects shape or texture.

(vi) Scale, when it materially affects the appearance of the fruit.

(vii) Scars, when causing roughness of the fruit texture to a greater degree than is permitted under the term "fairly smooth" as required in the grade; or when these scars affect the appearance of the fruit to a greater extent than the maximum of discoloration allowed.

(viii) Split or rough or protruding navels, when any split is unhealed, or more than three well-healed splits at the navel, or any split which is more than one-fourth inch in length; or three-cornered, star-shaped or other irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so folded and ridged that it detracts materially from the appearance of the orange, or navels which flare, bulge, or protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury in the process of proper grading, handling and packing.

(ix) Sunburn, when the area affected exceeds 25 percent of the fruit surface, or when the skin is appreciably flattened, dry, darkened, or hard.

(x) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused an area of more than an average of ¼ inch in diameter of the skin to become hard, or slight scratches when light colored and concentrated and averaging more than 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

(11) "Fairly firm" as applied to grapefruit means that the fruit may be slightly soft, but not bruised, and the skin may be thick and slightly puffy; as applied to oranges, means that the fruit may be slightly soft, but not bruised; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin) means that the skin of the fruit is not badly puffy or extremely loose.

(12) "Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not materially elongated or pointed, or otherwise deformed.

(13) "Slightly rough texture" means that the skin is not of smooth texture but is not materially ridged, grooved, or wrinkled.

(14) "Serious damage" means any defect or injury which seriously affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(i) Ammoniation, when scars are cracked, or when dark and aggregating more than three-fourths inch in diameter or when light colored and aggregating more than 1¼ inches in diameter.

(ii) Buckskin, when aggregating more than 25 percent of the fruit surface or the fruit texture is seriously affected.

(iii) Creasing, when so deep or extensive that the skin is seriously weakened.

(iv) Dryness or mushy condition when affecting all segments of oranges and grapefruit more than ½ inch at the stem end, or all segments of varieties of the Mandarin group more than ¼ inch at the stem end, or more than the equivalent of these respective amounts by volume when occurring in other portions of the fruit.

(v) Green spots or oil spots, when seriously affecting the appearance of the individual fruit.

(vi) Scab, when it cannot be classed as discoloration, or when materially affecting shape or texture.

(vii) Scale, when it seriously affects the appearance of the individual fruit.

(viii) Scars, when causing roughness of the fruit texture to a greater degree than is permitted under the term "slightly rough" as stated in the grade; or when these scars affect the appearance of the fruit to a greater extent than the maximum of discoloration allowed in the grade.

(ix) Split or rough or protruding navels, when any split is unhealed, or one well healed split at each corner of irregular navels when any one is more than one-half inch in length, or when aggregating more than 1 inch in length, or when more than four in number; or navels which protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury during the process of proper grading, handling and packing; or irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so badly folded and ridged that it detracts seriously from the appearance of the orange.

(x) Sprayburn which seriously affects the appearance of the fruit or is hard, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration.

(xi) Sunburn, which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration.

(xii) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused an area of more than an average of ½ inch in diameter of the skin to become hard, or slight scratches when light colored and concentrated, averaging more than 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

(xiii) Undeveloped or sunken segments, in navel oranges, when such segments are so sunken or undeveloped that they are readily noticeable.

(15) "Slightly colored" means that except for 2 inches in the aggregate of green color, the portion of the fruit surface which is not discolored shows some yellow or orange color.

(16) "Reasonably well colored" means that the yellow or orange color predominates over the green color on at least two-thirds of the fruit surface, in the aggregate, which is not discolored.

(17) "Misshapen" means that the fruit is decidedly elongated, pointed or flat sided.

(18) "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

(19) "Very serious damage" means any defect or injury which very seriously affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as very serious damage:

(i) Growth cracks that are seriously weakened, gummy or not healed.

(ii) Ammoniation, when aggregating more than 2 inches in diameter, or which has caused serious cracks.

(iii) Bird pecks, when not healed.

(iv) Caked melanose, when more than 25 percent in the aggregate of the surface of the fruit is caked.

(v) Buckskin, when rough and aggregating more than 50 percent of the surface of the fruit.

(vi) Creasing, when so deep or extensive that the skin is very seriously weakened.

(vii) Dryness or mushy condition, when affecting all segments of oranges and grapefruit more than ½ inch at the stem end, or all segments of varieties of the Mandarin group more than ¼ inch at the stem end, or more than the equivalent of these respective amounts by volume when occurring in other portions of the fruit.

(viii) Scab, when aggregating more than 25 percent of the surface of the fruit.

(ix) Scale, when covering more than 20 percent of the surface of the fruit.

(x) Split navels, when not healed or the fruit is seriously weakened.

(xi) Sprayburn, when seriously affecting more than one-third of the fruit surface.

(xii) Sunburn, when seriously affecting more than one-third of the fruit surface.

(xiii) Thorn punctures, when not healed or the fruit is seriously weakened.

(f) *Cull.* A cull is a fruit which does not meet the requirements of U. S. No. 3 grade.

(g) *Standards for internal quality of common sweet oranges (citrus sinensis (L.) Osbeck)*—(1) *U. S. Grade AA Juice (Double A).* Any lot of oranges, the juice content of which meets the following requirements, may be designated "U. S. Grade AA Juice (Double A)":

(i) Each lot of fruit shall contain an average of not less than 5 gallons of juice per standard packed box of one and three-fifths bushels.

(ii) The average juice content for any lot of fruit shall have not less than 10 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the maximum acid specified in Table I of this section: *Provided,* That the juice of individual oranges shall contain not less than 9 percent total soluble solids, not less than four-tenths of 1 percent acid or more than two-tenths of 1 percent above the specified average maximum percent of acid shown in Table I of this section.

(iii) In order to allow for variations incident to proper grading, not more

than 10 percent, by count, of the oranges in any lot may fail to meet the requirements of subdivision (ii) of this subparagraph specified for individual oranges: *Provided*, That the lot as a whole meets the averages specified in subdivisions (i) and (ii) of this subparagraph.

(2) *U. S. Grade A Juice.* Any lot of oranges, the juice content of which meets the following requirements, may be designated "U. S. Grade A Juice."

(i) Each lot of fruit of size 176 and smaller, as defined in paragraph (d) (4) of this section shall contain an average of not less than four and one-half gallons of juice and each lot of fruit of size 150 and larger shall contain an average of not less than four gallons of juice per standard packed box of one and three-fifths bushels.

(ii) The average juice content for any lot of fruit shall have not less than 9 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the maximum acid specified in Table I of this section; *Provided*, That the juice of individual oranges shall contain not less than 8 percent total soluble solids, not less than four-tenths of 1 percent acid or more than two-tenths of 1 percent above the specified average maximum percent of acid shown in Table I of this section.

(iii) In order to allow for variations incident to proper grading, not more than 10 percent, by count, of the oranges in any lot may fail to meet the requirements specified for individual oranges of subdivision (ii) of this subparagraph: *Provided*, That the lot at a whole meets the averages specified in subdivisions (i) and (ii) of this subparagraph.

(3) *Maximum anhydrous citric acid permissible for corresponding total soluble solids.* For determining the grade of juice, the maximum permissible anhydrous citric acid content in relation to corresponding total soluble solids contained in the fruit is set forth in the following table together with the minimum ratio of total soluble solids to anhydrous citric acid:

TABLE I

Total soluble solids		Maximum anhydrous citric acid		Minimum ratio of total soluble solids to anhydrous citric acid
Percent for individual oranges	Average percent for lot	Percent for individual oranges	Average percent for lot	
8.0		.800		10.00-1
8.1		.814		9.95-1
8.2		.828		9.90-1
8.3		.843		9.85-1
8.4		.857		9.80-1
8.5		.872		9.75-1
8.6		.887		9.70-1
8.7		.902		9.65-1
8.8		.917		9.60-1
8.9		.932		9.55-1
9.0	9.0	.947	.947	9.50-1
9.1	9.1	.963	.963	9.45-1
9.2	9.2	.979	.979	9.40-1
9.3	9.3	.995	.995	9.35-1
9.4	9.4	1.011	1.011	9.30-1
9.5	9.5	1.027	1.027	9.25-1
9.6	9.6	1.043	1.043	9.20-1
9.7	9.7	1.060	1.060	9.15-1
9.8	9.8	1.077	1.077	9.10-1
9.9	9.9	1.094	1.094	9.05-1
	10.0		1.111	9.00-1
	10.1		1.128	8.95-1
	10.2		1.146	8.90-1
	10.3		1.164	8.85-1
	10.4		1.182	8.80-1
	10.5		1.200	8.75-1
	10.6		1.218	8.70-1

TABLE I—Continued

Total soluble solids		Maximum anhydrous citric acid		Minimum ratio of total soluble solids to anhydrous citric acid
Percent for individual oranges	Average percent for lot	Percent for individual oranges	Average percent for lot	
	10.7		1.237	8.65-1
	10.8		1.256	8.60-1
	10.9		1.275	8.55-1
	11.0		1.294	8.50-1
	11.1		1.306	8.50-1
	11.2		1.318	8.50-1
	11.3		1.329	8.50-1
	11.4		1.341	8.50-1
	11.5		1.353	8.50 1
	11.6		1.365	8.50-1
	11.7		1.376	8.50-1
	11.8		1.388	8.50-1
	11.9		1.400	8.50-1
	12.0		1.412	8.50-1
	12.1		1.424	8.50-1
	12.2		1.435	8.50-1
	12.3		1.447	8.50-1
	12.4		1.459	8.50-1
	12.5		1.471	8.50-1
	12.6		1.482	8.50-1
	12.7		1.494	8.50-1
	12.8		1.506	8.50-1
	12.9		1.517	8.50-1
	13.0		1.530	8.50-1
	13.1		1.541	8.50-1
	13.2		1.553	8.50-1
	13.3		1.565	8.50-1
	13.4		1.576	8.50-1
	13.5		1.588	8.50-1
	13.6		1.600	8.50-1
	13.7		1.612	8.50-1
	13.8		1.624	8.50-1
	13.9		1.635	8.50-1
	14.0		1.647	8.50-1
	14.1		1.659	8.50-1
	14.2		1.671	8.50-1
	14.3		1.682	8.50-1
	14.4		1.694	8.50-1
	14.5		1.705	8.50-1
	14.6		1.718	8.50-1
	14.7		1.729	8.50-1
	14.8		1.741	8.50-1
	14.9		1.753	8.50-1
	15.0		1.765	8.50-1
	15.1		1.776	8.50-1
	15.2		1.788	8.50-1
	15.3		1.800	8.50-1
	15.4		1.812	8.50-1
	15.5		1.824	8.50-1
More than 15.5				8.50-1

(4) *Method of juice extraction.* The juice used in the determinations of solids, acid, and juice content provided in subparagraphs (1) and (2) of this paragraph shall be extracted from representative samples as thoroughly as possible with a reamer, or by hand, and shall be strained through a double thickness of gauze having 44 x 40 threads per square inch, and shall not be extracted or strained in any other manner. (Sec. 12, 60 Stat. 244; Pub. Law 266, 80th Cong.; 5 U. S. C. Sup. 1011)

Issued at Washington, D. C., this 17th day of September 1947.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-8581; Filed, Sept. 19, 1947; 8:47 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

MISCELLANEOUS AMENDMENTS

State Bulletins (Subpart—1947) issued December 17, 1946 (11 F. R. 14339), and amendments issued March 19, 1947 (12 F. R. 1831), May 3, 1947 (12 F. R. 2977), July 23, 1947 (12 F. R. 4879), and August 28, 1947 (12 F. R. 5772), are hereby further amended as follows:

1. Section 701.879 *Tennessee*, paragraph (j) (5) is amended by the addition of the following payment rate:

(vii) Common vetch, $0.07 per pound.

2. Section 701.880 *Texas*, paragraph (i) (26) is amended by the addition of the following payment rates:

(xxxviii) White Dutch clover (Southern), $0.50 per pound.

(xxxix) Hubam clover, $0.075 per pound.

3. Section 701.880 (i) (26) is amended by adding the following sentence immediately preceding *Payment rates:* "Payment for white Dutch clover and Hubam clover under subdivisions (xx) and (xxvii) of this subparagraph will be made only for seedings made prior to September 15, 1947. Thereafter, payment for seedings of white Dutch clover and Hubam clover will be made under subdivisions (xxxviii) and (xxxix) of this subparagraph."

4. Section 701.880 (i) is amended by adding the following subparagraph (43):

(43) Application of raw rock phosphate or colloidal phosphate in Cherokee County. The material may be used only on permanent pastures, waterways, winter cover crops (other than small grains alone), hay crops, summer legumes grown for cover crops, hay, or seed for planting, and new seedings of grasses and legumes seeded alone or with a nurse crop.

Payment rate: $0.35 per 100 pounds of material containing at least 20 percent P_2O_5. Payment for material containing less than 20 percent P_2O_5 will be computed on a proportionate basis.

(49 Stat. 1148, 16 U. S. C. 590g–590q; 1947 National Agricultural Conservation Program Bulletin, as amended (11 F. R. 9467, 11266; 12 F. R. 5384))

Approved: September 11, 1947.

[SEAL] A. W. MANCHESTER,
Acting Director, Agricultural Conservation Programs Branch.

[F. R. Doc. 47-8583; Filed, Sept. 19, 1947; 9:08 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 239, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1, et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the

Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and the 30-day effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this amended regulation is based became available and the time when this amended regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

Order, as amended. (1) The provisions in paragraphs (b) (1) and (2) of § 953.346 (Lemon Regulation 239, 12 F. R. 6101), are hereby amended to read as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 14, 1947, and ending at 12:01 a. m., P. s. t., September 21, 1947, is hereby fixed at 350 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 239 (12 F. R. 6101) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 18th day of September 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-8627; Filed, Sept. 19, 1947; 8:49 a. m.]

[Lemon Reg. 240]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.347 *Lemon Regulation 240*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and the 30-day effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 21, 1947, and ending at 12:01 a. m., P. s. t., September 28, 1947, is hereby fixed at 300 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 239 (12 F. R. 6101) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 18th day of September 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-8626; Filed, Sept. 19, 1947; 8:49 a. m.]

[Orange Reg. 196]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.342 *Orange Regulation 196*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and the 30-day effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 21, 1947, and ending at 12:01 a. m., P. s. t., September 28, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, 1700 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate Districts Nos. 1, 2, and 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, is accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 18th day of September 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Sept. 21, 1947, to 12:01 a. m. Sept. 28, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0289
A. F. G. Fullerton	.9368
A. F. G. Orange	.6597
A. F. G. Redlands	.2355
A. F. G. Riverside	.1287
A. F. G. San Juan Capistrano	.9102
A. F. G. Santa Paula	.3229
Corona Plantation Company	.2391
Hazeltine Packing Company	.3655
Placentia Pioneer Valencia Growers Association	.6677
Signal Fruit Association	.0795
Azusa Citrus Association	.4363
Azusa Orange Co., Inc	.1354
Damerel-Allison Company	.8657
Glendora Mutual Orange Association	.3785
Irwindale Citrus Association	.3419
Puente Mutual Citrus Association	.2085
Valencia Heights Orchards Association	.5058
Glendora Citrus Association	.3475
Glendora Heights Orange and Lemon Growers Association	.0307
Gold Buckle Association	.5906
La Verne Orange Association	.6420
Anaheim Citrus Fruit Association	1.5757
Anaheim Valencia Orange Association	1.6188
Eadington Fruit Company, Inc	2.1349
Fullerton Mutual Orange Association	1.8497
La Habra Citrus Association	.5565
Orange County Valencia Association	.7107
Orangethorpe Citrus Association	1.1282
Placentia Coop. Orange Association	.7697
Yorba Linda Citrus Association, The	.6169
Alta Loma Heights Citrus Association	.0480
Citrus Fruit Growers	.1416
Cucamonga Citrus Association	.1527
Etiwanda Citrus Fruit Association	.0418
Old Baldy Citrus Association	.0894
Rialto Heights Orange Growers	.0913
Upland Citrus Association	.3999
Upland Heights Orange Association	.1504
Consolidated Orange Growers	2.2063
Frances Citrus Association	1.0565
Garden Grove Citrus Association	1.6428
Goldenwest Citrus Association, The	1.4650
Irvine Valencia Growers	2.4262
Olive Heights Citrus Association	1.9280
Santa Ana-Tustin Mutual Citrus Association	1.0340
Santiago Orange Growers Association	4.3319
Tustin Hills Citrus Association	1.8345
Villa Park Orchards Association, The	1.8567
Andrews Bros. of California	.4555
Bradford Bros., Inc	.6748
Placentia Mutual Orange Association	1.7309
Placentia Orange Growers Association	2.4705
Call Ranch	.0720
Corona Citrus Association	.5045
Jameson Co	.0733
Orange Heights Orange Association	.3644
Break & Son, Allen	.0560
Bryn Mawr Fruit Growers Association	.2621
Crafton Orange Growers Association	.3710

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
E. Highlands Citrus Association	0.0852
Fontana Citrus Association	.0948
Highland Fruit Growers Association	.0502
Krinard Packing Co	.2583
Mission Citrus Association	.1366
Redlands Coop. Fruit Association	.4026
Redlands Heights Groves	.3041
Redlands Orange Growers Association	.2587
Redlands Orangedale Association	.2807
Redlands Select Groves	.1596
Rialto Citrus Association	.1492
Rialto Orange Co	.1486
Southern Citrus Association	.2026
United Citrus Growers	.1431
Zilen Citrus Co	.0731
Andrews Bros. of California	.1159
Arlington Heights Fruit Co	.1148
Brown Estate, L. V. W	.1305
Gavilan Citrus Association	.1529
Hemet Mutual Groves	.1023
Highgrove Fruit Association	.0524
McDermont Fruit Co	.1836
Mentone Heights Association	.0719
Monte Vista Citrus Association	.2032
National Orange Co	.0404
Riverside Heights Orange Growers Association	.0865
Sierra Vista Packing Association	.0580
Victoria Avenue Citrus Association	.1739
Claremont Citrus Association	.1133
College Heights Orange and Lemon Association	.1558
El Camino Citrus Association	.0815
Indian Hill Citrus Association	.1478
Pomona Fruit Growers Exchange	.3512
Walnut Fruit Growers Association	.4268
West Ontario Citrus Association	.3575
El Cajon Valley Citrus Association	.2629
Escondido Orange Association	2.3890
San Dimas Orange Growers Association	.4972
Covina Citrus Association	1.0537
Covina Orange Growers Association	.3927
Duarte-Monrovia Fruit Exchange	.2104
Santa Barbara Orange Association	.0000
Ball & Tweedy Association	.6038
Canoga Citrus Association	.7046
N. Whittier Heights Citrus Association	.8480
San Fernando Fruit Growers Association	.3758
San Fernando Heights Orange Association	.9414
Sierra Madre-Lamanda Citrus Association	.4433
Camarillo Citrus Association	1.4659
Fillmore Citrus Association	3.4904
Mupu Citrus Association	2.4714
Ojai Orange Association	.9274
Piru Citrus Association	1.9362
Santa Paula Orange Association	.9879
Tapo Citrus Association	.8394
Limoneira Co	.3892
E. Whittier Citrus Association	.3954
El Ranchito Citrus Association	1.2875
Murphy Ranch	.4233
Rivera Citrus Association	.5349
Whittier Citrus Association	.7169
Whittier Select Citrus Association	.4898
Anaheim Coop. Orange Association	1.5680
Bryn Mawr Mutual Orange Association	.1177
Chula Vista Mutual Lemon Association	.0899
Escondido Coop. Citrus Association	.3265
Euclid Avenue Orange Association	.4011
Foothill Citrus Union, Inc	.0325
Fullerton Coop. Orange Association	.4805
Garden Grove Orange Coop., Inc	.7665
Glendora Coop. Citrus Association	.0553

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Golden Orange Groves, Inc	0.3000
Highland Mutual Groves	.0480
Index Mutual Association	.2378
La Verne Coop. Citrus Association	1.3939
Olive Hillside Groves	.7102
Orange Coop. Citrus Association	1.1347
Redlands Foothill Groves	.4950
Redlands Mutual Orange Association	.1697
Riverside Citrus Association	.0262
Ventura County Orange and Lemon Association	.8856
Whittier Mutual Orange and Lemon Association	.2536
Babijuice Corp. of California	.6012
Banks Fruit Co	.1258
Banks, L. M	.5997
Borden Fruit Co	.9581
California Fruit Distributors	.1593
Cherokee Citrus Co., Inc	.1332
Chess Company, Meyer W	.1404
Escondido Avocado Growers	.0214
Evans Bros. Packing Co	.1947
Gold Banner Association	.2806
Granada Hills Packing Co	.0615
Granada Packing House	2.1474
Hill, Fred A	.0770
Inland Fruit Dealers	.0328
Mills, Edward	.0019
Orange Belt Fruit Distributors	2.0466
Panno Fruit Co., Carlo	.0319
Paramount Citrus Association	.2591
Placentia Orchards Co	.4738
San Antonio Orchards Co	.4697
Santa Fe Groves Co	.0497
Snyder & Sons Co., W. A	.9475
Stephens, T. F	.0856
Sunny Hills Ranch, Inc	.0457
Ventura County Citrus Association	.0139
Verity & Sons Co., R. H	.0354
Wall, E. T	.1352
Webb Packing Co	.1661
Western Fruit Growers, Inc., Ana	.0246
Western Fruit Growers, Inc., Reds	.6489
Yorba Orange Growers Association	.6421

[F. R. Doc. 47-8625; Filed, Sept. 19, 1947; 8:49 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 150—ARREST AND DEPORTATION

SPECIAL DEPORTATION PROCEDURE IN CASES OF RECENT ILLEGAL ENTRANTS

AUGUST 26, 1947.

The following amendment to Part 150, Title 8, Chapter I, Code of Federal Regulations is hereby prescribed:

Section 150.11 (a) is amended by changing the introductory sentence of paragraph (a) and the introductory sentences of subparagraphs (1) and (2), so that paragraph (a) will read as follows:

§ 150.11 *Special deportation procedure*—(a) *In cases involving recent illegal entrants and alien seamen; when permissible.* Notwithstanding any other provisions of this part, any officer in charge of a district shall have power, up-

on application made direct to such officer by an investigating officer, to issue warrants:

(1) For the arrest of any alien within three years after entry who is believed to have entered the United States illegally from foreign contiguous territory or adjacent islands and in whose case one of the grounds of deportation upon which the application for warrant of arrest is based is:

(i) That the alien entered the United States by water at any time or place other than as designated by immigration officials; or

(ii) That the alien entered the United States by land at any place other than one designated as a port of entry for aliens by the Commissioner of Immigration and Naturalization; or

(iii) That the alien entered the United States at any time not designated by immigration officials; or

(iv) That the alien entered the United States without inspection.

(2) For the arrest of an alien seaman at any time after entry who is believed to have entered the United States on or after September 1, 1939, in an illegal manner, or after having been admitted to the United States on or after that date as a seaman in pursuit of his calling under the provisions of section 3 (5) of the Immigration Act of 1924, is believed to have remained in the United States for a longer period of time than permitted under the regulations in effect at the time of his admission, and in whose case one of the grounds of deportation upon which the application for a warrant is based is:

(i) That the alien, at the time of his entry, was an immigrant not in possession of a valid immigration visa and not exempted from the presentation thereof by said act or regulations made thereunder; or

(ii) That the alien, after admission as a seaman, has remained in the United States for a longer period of time than permitted under said act or regulations made thereunder.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR 90.1, 12 F. R. 4781)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003) as to notice of proposed rule making and as to delayed effective date are inapplicable for the reason that there is no statute requiring notice of or hearing on this rule and for the further reason that this rule is not a substantive rule but is a rule pertaining to organization, particularly to delegation of authority, and to procedure.

UGO CARUSI,
Commissioner of Immigration and Naturalization.

Approved: September 16, 1947.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 47-8556; Filed, Sept. 19, 1947; 8:57 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 41-10]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

FLIGHT ENGINEER CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of September 1947.

Civil Air Regulations Amendment 41-5 pertaining to scheduled air carrier operation, adopted by the Board March 14, 1947, provided that effective September 15, 1947, each flight engineer shall hold a valid flight engineer certificate issued in accordance with the provisions of Part 35 of this chapter.

It now appears that the Civil Aeronautics Administration examination program for certificating flight engineers was not fully effective until about September 1, 1947, due to the necessity for qualifying personnel and preparing examinations for certain new aircraft of a transport type requiring flight engineers which have just recently been introduced. Thus, the present effective date of the amendment does not allow sufficient time for the certification of all flight engineers where now required.

The following amendment is, therefore, intended to extend the time by which flight engineers are required to be certificated until November 15, 1947, on which date the Board has already made effective the requirement that flight radio operators and flight navigators be certificated.

Compliance with the notice and procedures required by paragraphs (a) and (b) of section 4 of the Administrative Procedure Act is impracticable and unnecessary, and delay in the promulgation of this amendment would not be in the public interest.

Effective September 12, 1947, § 41.321 of the Civil Air Regulations is amended by striking the words "September 15, 1947" and substituting therefor the words "November 15, 1947."

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-8575; Filed, Sept. 19, 1947; 8:47 a. m.]

[Civil Air Regs., Amdt. 61-9]

PART 61—SCHEDULED AIR CARRIER RULES

FLIGHT ENGINEER CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of September 1947.

Civil Air Regulations Amendment 61-4 pertaining to scheduled air carrier operation, adopted by the Board March 14, 1947, provided that effective September 15, 1947, each flight engineer shall hold a valid flight engineer certificate issued in accordance with the provisions of Part 35.

It now appears that the Civil Aeronautics Administration examination program for certificating flight engineers was not fully effective until about September 1, 1947, due to the necessity for qualifying personnel and preparing examinations for certain new aircraft of a transport type requiring flight engineers which have just recently been introduced. Thus, the present effective date of the amendment does not allow sufficient time for the certification of all flight engineers where now required.

The following amendment is, therefore, intended to extend the time by which flight engineers are required to be certificated until November 15, 1947, on which date the Board has already made effective the requirement that flight radio operators and flight navigators be certificated.

Compliance with the notice and procedures required by paragraphs (a) and (b) of section 4 of the Administrative Procedure Act is impracticable and unnecessary, and delay in the promulgation of this amendment would not be in the public interest.

Effective September 12, 1947, § 61.560 of the Civil Air Regulations is amended by striking the words "September 15, 1947" and substituting therefor the words "November 15, 1947."

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-8573; Filed, Sept. 19, 1947; 8:47 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter IV—Southwestern Power Administration, Department of the Interior

PART 500—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY

CROSS REFERENCE: For order affecting the list of delegations of authority contained in §§ 500.40 and 500.41, see Part 4 of Title 43, *infra*, authorizing the head of the Southwestern Power Administration to lease space in real estate outside the District of Columbia.

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

PART 01—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY

CROSS REFERENCE: For order affecting the list of delegations of authority contained in §§ 01.100 to 01.145, inclusive, see Part 4 of Title 43, *infra*, authorizing the head of the Office of Indian Affairs to lease space in real estate outside the District of Columbia.

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

PART 01—ORGANIZATION

DELEGATION OF AUTHORITY

CROSS REFERENCE: For order affecting the list of delegations of authority contained in §§ 01.60 and 01.61, see Part 4 of Title 43, *infra*, authorizing the head of the Bureau of Mines to lease space in real estate outside the District of Columbia.

Chapter II—Geological Survey, Department of the Interior

PART 200—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY

CROSS REFERENCE: For order affecting the list of delegations of authority contained in §§ 200.50 to 200.53, inclusive, see Part 4 of Title 43, *infra*, authorizing the head of the Geological Survey to lease space in real estate outside the District of Columbia.

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, War Department

PART 201—NATIONAL GUARD REGULATIONS

MISCELLANEOUS AMENDMENTS

Amend paragraphs (b) (8) and (f) of § 201.14 by deleting the figures "18" therefrom and substituting the figures "17" in each of the said paragraphs.

§ 201.14 *Qualifications for enlistment.* * * *

(b) *Persons not authorized to be enlisted.* * * *

(8) A person under 17 or * * *

* * * * *

(f) *Parental consent in enlistment of minors.* * * * a minor 17 years of age or over unless the state law so provides.

[NGR 25, Jan. 9, 1947 as amended by NGB Cir. 30, Aug. 18, 1947] (48 Stat. 155; 32 U. S. C. 4)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-8555; Filed, Sept. 19, 1947; 8:54 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 01—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY

CROSS REFERENCE: For order affecting the list of delegations of authority contained in §§ 01.50 to 01.54, inclusive, see Part 4 of Title 43, *infra*, authorizing the head of the National Park Service to lease space in real estate outside the District of Columbia.

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

KISATCHIE NATIONAL FOREST; TRANSFER OF JURISDICTION OF SURPLUS FOREST LAND

CROSS REFERENCE: For transfer of a one-acre tract of land from Federal Farm Mortgage Corporation to Forest Service, for administration as part of Kisatchie National Forest, see Surplus Property Transfer Order No. 7 of Federal Farm Mortgage Corporation in Notices section, *infra*, which affects the tabulation contained in § 201.1.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 01—ORGANIZATION

BRANCH OFFICES

1. Section 01.50 *Alphabetical list of stations by location*, is amended as follows:

Station—	*Amend to read—*
Des Moines 10, Iowa; center (hospital and regional office).	Des Moines 9, Iowa; center (hospital and regional office).
Lincoln 8, Nebr., Sharp Building; regional office.	Lincoln 1, Nebr., Veterans Building, Twelfth and O Streets; regional office.
Minneapolis 6, Minn.; hospital.	Minneapolis 17, Minn.; hospital.
Montgomery, Ala., c/o Army Quartermaster Depot; supply depot.	Montgomery 3, Ala., P. O. Box 2111; supply depot.
Oakland, Calif., Thirteenth and Harrison Streets; hospital.	Oakland 12, Calif., Thirteenth and Harrison Streets; hospital.
Philadelphia 2, Pa., 128 North Broad Street; branch No. 3.	Philadelphia 1, Pa., 5000 Wissahickon Avenue; branch No. 3.
Philadelphia 6, Pa., New Customs House; regional office.	Philadelphia 2, Pa., 128 North Broad Street; regional office.
Portland 7, Oreg.; hospital.	Portland 7, Oreg. (includes Barnes Annex at Vancouver, Washington. Send Barnes mail to Portland 7, Attention Barnes Annex); hospital.
Somerville, N. J., c/o Somerville subdepot of Belle Meade General Depot; supply depot (3-10-47).	Somerville, N. J.; supply depot.
Staten Island, N. Y.; hospital.	Staten Island 2, N. Y.; hospital.
Wilkes-Barre, Pa., 18 South Franklin Street; regional office.	Wilkes-Barre, Pa., 19-27 North Main Street; regional office.

2. Section 01.64 is amended to read as follows:

§ 01.64 *Branch No. 5 Area (Alabama, Florida, Georgia, South Carolina, Tennessee).* (a) Address of Branch Office No. 5: Deputy Administrator, Veterans' Administration Branch Office No. 5, Atlanta 3, Georgia.

(b) This is a guide to the location of VA Regional Offices and Centers, the Subregional Offices and Contact Offices thereunder, and Hospitals, in Branch No. 5 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

ALABAMA

Type of Activity, Location, and Address

Regional office: Montgomery 4, 400 Lee Street.
Contact offices:
- Andalusia, 1 East Three Notch Street.
- Demopolis, Old Masonic Temple Building.
- Dothan, 301 North Foster Street.
- Eufaula, 131 North Randolph Street.
- Greenville, 104 West Commerce Street.
- Opelika, 825 South Railroad Avenue.
- Selma, 113½ Broad Street.

Subregional office: Birmingham 3, 317 North Twentieth Street.
Contact offices:
- Anniston, Boozer Building, Thirteenth and Moore Avenue.
- Cullman, Fuller Building.
- Gadsden, 502 Broad Street.
- Jasper, 1814 Third Avenue.
- Sylacauga, Post Office Building.
- Talladega, City Hall.
- Tuscaloosa, 2328 Broad Street.

Subregional office: Decatur, 201 Gordon Drive.
Contact offices:
- Florence, 212 South Court Street.
- Huntsville, 102 West Clinton Street.

Subregional office: Mobile 10, Courthouse and Customhouse, Royal and Church Streets.
Contact office: Brewton, City Hall.
Hospitals:
- Tuscaloosa, Veterans' Administration Hospital.
- Tuskegee, Veterans' Administration Hospital.
- Montgomery 10, Perry Hill Road.

Supply depot: [1] Montgomery 3, P. O. Box 2111.

FLORIDA

Regional office: Miami 10, P. O. Box 1791.
Contact offices:
- Fort Lauderdale, County Courthouse.
- Fort Pierce, 105 Atlantic Avenue.
- Key West, Post Office Building.
- West Palm Beach, 712 Comeau Building.

Regional office: Pass-A-Grille Beach, Pass-A-Grille Beach Regional Office, P. O. Box 1437, St. Petersburg, Fla.
Contact offices:
- Fort Myers, Leon Building, 2237 Hendry Street.
- Lakeland, 306½ South Kentucky Avenue.
- Sarasota, 225 Central Avenue.
- St. Petersburg, Chamber of Commerce, Fourth Street and First Avenue South.
- Tampa 6, Coast Guard Barracks, Davis Island.

Subregional office: Jacksonville, Haverty Building, 317 Main Street.
Contact offices:
- Gainesville, Seagle Building.
- Ocala, Robertson Building, 1 North Main Street.

Subregional office: Orlando, Old P. O., 42 East Central Avenue.
Contact office: Daytona Beach, Wingate Building, 120 Volusia Avenue.
Subregional office: Tallahassee, City Administrative Building, 1437 South Monroe Street.

[1] Not for contacts concerning benefits.

Contact offices:
Marianna, corner Estes and Lafayette Streets.
Panama City, Post Office Building.
Pensacola, Carpenters Hall, 114 East Gregory Street.
Center (Hospital and domiciliary), Bay Pines, Veterans' Administration Center.
Hospitals:
Coral Gables, Veterans' Administration Hospital.
Lake City, Veterans' Administration Hospital.

GEORGIA

Regional office: Atlanta 3, 105 Pryor Street NE.
Contact offices:
Athens, 144 North Jackson Street.
Dalton, City Hall.
Gainesville, 311 South Green Street.
Griffin, 265 Meriwether Street.
La Grange, La Grange Banking & Trust Co. Building.
Lawrenceville, County Courthouse Square, Perry and Pike Streets.
Rome, West Building, East Second Street.
Subregional office: Macon, Jacques Building, 407 Broadway.
Contact offices:
Americus, 104 Forsythe Street.
Columbus, 1320 Broad Street.
Dublin, 200 South Jefferson Street.
Milledgeville, 75 Hancock Street.
Subregional office: Savannah, Blun Building, 35 Bull Street.
Contact offices:
Augusta, 712 Telfair Street.
Brunswick, P. O. Box 262, P. O. Building.
Louisville, 112½ West Broad Street.
Statesboro, 21½ East Main Street.
Subregional office: Valdosta, 412 West Central Avenue.
Contact offices:
Albany, 135 Flint Avenue.
Fitzgerald, Friedlander Building, Grant and Pine Streets.
Moultrie, County Courthouse.
Thomasville, 137 East Jackson Street.
Waycross, 507–509 Elizabeth Street.
Hospitals:
Atlanta, 5998 Peachtree Road NE.
Augusta, Veterans' Administration Hospital.
Chamblee, Veterans' Administration Hospital.

SOUTH CAROLINA

Regional office: Fort Jackson, Veterans' Administration Regional Office.
Contact offices:
Aiken, Bank of Aiken Building.
Charleston 10, The Old Citadel Building.
Greenwood, Federal Building.
Contact offices:
Hampton, County Office Building.
Orangeburg, 28 St. Paul Street.
Rock Hill, 131½ East Main Street.
Newberry, 1216 College Street.
Sumter, County Court House.
Union, Little Building, Main and South Gadberry Streets.
Subregional office: Greenville, Post Office Building, 208 Main Street.
Contact offices:
Anderson, 209 North Main Street.
Spartanburg, 187 North Church Street.
Subregional office: Florence, 115 South Irby Street.
Contact offices:
Cheraw, 123 Market Street.
Conway, Court House Building.
Georgetown, Post Office Building.
Marion, 206 Harllee Street.
Hospital: Columbia, Veterans' Administration Hospital.

TENNESSEE

Regional office: Nashville 5, White Bridge Road.
Contact offices:
Clarksville, City Hall.
Cookeville, Terry Brothers Building, 100 Public Square.
Lawrenceburg, City Hall, East Gaines Street.
Murfreesboro, 9 Public Square.
Nashville, Cotton States Building.
Winchester, Post Office Building.
Subregional office: Chattanooga 2, 738 Georgia Ave., Dome Building.
Contact Office: Athens, 103 South White Street.
Subregional office: Jackson, 408 East Main Street.
Contact offices:
Dyersburg, Dyer County Courthouse.
Paris, 112½ Market Street.
Union City, 204 Washington Avenue.
Subregional office: Knoxville 2, 307 Commerce Avenue.
Contact offices:
Harriman, 607–9 Morgan Street.
Johnson City, 303 West Walnut Street.
Morristown, Old City National Bank Building.
Oak Ridge, 102 Town Hall.
Oneida, Cooper Building, 43½ Depot Street.
Subregional office: Memphis, 30 North Second Street.
Hospitals:
Memphis 4, 1025 Lamar Avenue.
Memphis 15, Park Avenue and Getwell Street.
Murfreesboro, Veterans' Administration Hospital.
Center (Hospital and Domiciliary): Mountain Home, Veterans' Administration Center.
Hospital: Nashville 5, White Bridge Road.

3. Section 01.65 is amended to read as follows:

§ 01.65 *Branch No. 6 Area (Kentucky, Michigan, Ohio).* (a) Address of Branch Office No. 6: Deputy Administrator, Veterans' Administration Branch Office No. 6, 52 S. Starling Street, Columbus 8, Ohio.

(b) This is a guide to the location of VA Regional Offices and Centers, Subregional Offices and Contact Offices thereunder, and Hospitals, in Branch No. 6 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

KENTUCKY

Type of Activity, Location and Address

Regional office: Louisville 3, 1405 West Broadway.
Contact offices:
Carrollton, P. O. Building, Highland Avenue.
Elizabethtown, City Building.
Glasgow, 108 South Green Street.
Shelbyville, 537 Main Street.
Subregional office: Ashland, 1516 Bath Avenue.
Contact offices:
Louisa, Elswick Building, Main Street.
Morehead, 369 Main Street.
Pikeville, Connelly Building.
Prestonsburg, Midland Building, First Avenue.
Subregional office: Corbin, Masonic Building, 302 Main Street.
Contact offices:
Barbourville, Post Office Building.
Harlan, Post Office Building.
Somerset, Baisley Building, Market and Maple Street.
Whitesburg, Daniel Boone Hotel, Main Street.
Subregional offices:
Covington, City Building, Third and Court Streets.
Hopkinsville, 204 East Sixth Street.
Contact offices:
Bowling Green, Court House, 401 Tenth Street.
Henderson, 134½ North Main Street.
Madisonville, County Court House.
Mayfield, Post Office Building.
Murray, Gatlin-Swann Building, Fourth and Main Streets.
Owensboro, 214½ West Third Street.
Paducah, 224½ South Sixth Street.
Subregional office: Lexington, 508 West Main Street.
Contact offices:
Columbia, Campbellsville Street.
Danville, 120 South Fourth Street.
Frankfort, 107 St. Clair Street.
Hazard, Chamber of Commerce Building.
Jackson, Library Building, Main Street.
Maysville, 21½ East Second Street.
Richmond, Taylor Building, West Main Street.
Hospitals:
Fort Thomas, Veterans' Administration Hospital (date of opening for patients to be announced).
Lexington, Veterans' Administration Hospital.
Louisville, Veterans' Administration Hospital.
Outwood (near Dawson Springs), Veterans' Administration Hospital.

MICHIGAN

Regional office: Detroit 26, Guardian Building.
Contact offices:
Flint 5, 109 West Third Avenue.
Monroe, 32 South Washington Street.
Pontiac 15, 28 North Saginaw Street.
Port Huron, Post Office Building.
Subregional office: Escanaba, First National Bank Building, 621 Ludington Street.
Contact offices:
Houghton, Michigan College of M & T.
Ironwood, 107 North Lowell Street.
Marquette, 210 West Front Street.
Sault Sainte Marie, Post Office Building.
Subregional office: Grand Rapids 2, Keeler Building, 60 North Division Street.
Contact offices:
Cadillac, 104 West Pine Street.
Ludington, Post Office Building.
Muskegon, Terminal Arcade Building, Clay Avenue.
Petoskey, 210 Howard Street.
Traverse City, 246 East Front Street.
Subregional office: Jackson, Court House, 312 South Jackson Street.
Contact offices:
Ann Arbor, Rackham Building.
Lansing 2, 215 South Washington Avenue.
Subregional office: Kalamazoo 47, 135 North Westnedge.
Contact offices:
Battle Creek, 70 West Michigan Avenue.
St. Joseph, 503 North Pleasant Street.
Subregional office: Saginaw, Board of Commerce Building.
Contact offices:
Alpena, 410 North Second Street.
Bay City, Post Office Building.
Mt. Pleasant, Central Michigan College.
Hospitals:
Dearborn, Veterans' Administration Hospital.
Fort Custer (near Battle Creek), Veterans' Administration Hospital.

OHIO

Regional office: Cincinnati 2, 209 East Sixth Street.
Contact offices:
Cincinnati, University of Cincinnati.
Hamilton, Anthony Wayne Hotel Building.
Middletown, Veterans' Service Center, 116 South Main Street.
Subregional office: Columbus 15, 209 South High Street.

Contact offices:
Columbus, Ohio State University, High Street.
Lancaster, 201 South Broad Street.
Newark, 4½ North Second Street.
Zanesville, 416 Market Street.
Subregional office: Dayton 2, 11 West Monument Avenue.
Contact offices:
Piqua, 228 West Green Street.
Sidney, 113 North Ohio Street.
Springfield, 134 East High Street.
Subregional office: Lima, Old Post Office Building, High and Elizabeth Streets.
Contact offices:
Findlay, Niles Building, East Sandusky Street.
Van Wert, 116½ East Main Street.
Subregional office: Marietta, 116 Front Street.
Contact offices:
Athens, 8 President Street.
Cambridge, 118½ North Ninth Street.
Subregional office: Portsmouth, 604 Chillicothe Street.
Contact offices:
Chillicothe, 22 West Second Street.
Ironton, 306 Park Avenue.
Regional office: Cleveland 14, Cuyahoga Building, 216 Superior Avenue.
Contact offices:
Ashtabula 1, Post Office Building.
Cleveland, 13705 St. Clair Avenue.
Elyria, Elyria Savings & Trust Co. Building.
Lorain, 305 Broadway Avenue.
Subregional office: Akron, 72–76 High Street.
Contact offices:
Canton, 117 Walnut Avenue NE.
Kent, 136 North Water Street.
New Philadelphia, 152 North Broadway.
Wooster, 214 North Market Street.
Subregional office; Mansfield, 115 Park Avenue West.
Contact office: Marion, 196 South Main Street.
Subregional office: Steubenville, 224 North Fifth Street.
Contact offices:
East Liverpool, Municipal Building, 126 West Sixth Street.
St. Clairsville, Masonic Temple Building, Main Street.
Subregional office: Toledo 4, 501 Huron Street, Veterans' Building.
Contact offices:
Defiance, 408½ Clinton Street.
Fremont, 109–111 South Arch Street.
Sandusky, Feick Building, 158 East Market Street.
Tiffin, 84½ South Washington Street.
Subregional office: Youngstown 3, Union National Bank Building.
Contact office: Warren, Post Office Building.
Hospitals:
Brecksville, Veterans' Administration Hospital.
Chillicothe, Veterans' Administration Hospital.
Cleveland 9, 7300 York Road.
Center (hospital and domiciliary): Dayton, Veterans' Administration Center.

4. Section 01.68 is amended to read as follows:

§ 01.68 *Branch No. 9 Area (Arkansas, Kansas, Missouri, Oklahoma).* (a) Address of Branch Office No. 9: Deputy Administrator, Veterans' Administration Branch Office No. 9, 420 Locust St., St. Louis 2, Mo.

(b) This is a guide to the location of VA Regional Offices, the Sub-Regional Offices and Contact Offices thereunder, and Hospitals, in Branch No. 9 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

ARKANSAS

Type of Activity, Location and Address

Regional office: Little Rock, Federal Building.
Contact offices:
Arkadelphia, 1010 Sixth Street.
Batesville, 113 West Main Street.
Fordyce, Banks Building, 302 Main Street.
Forrest City, Planters Bank Building.
Harrison, Seville Hotel.
Helena, Solomon Building.
Hot Springs, Citizens Building.
McGehee, 108 South First Street.
Morrilton, First State Bank Building.
Mountain Home, Dyer Office Building.
Pine Bluff, 502½ West Fifth Street.
Russellville, Court House, 100 Main Street.
Searcy, Community Building.
Stuttgart, Seth Hastings Building, Third and College Streets.
Subregional office: Fort Smith, South Twelfth and A Streets.
Contact offices:
Fayetteville, 14 South East Street.
Mena, 606 Mena Street.
Subregional office: Jonesboro, Jonesboro Clinic Building.
Contact offices:
Blytheville, 116 South Second Street.
Pocahontas, New County Courthouse.
Subregional office: Texarkana, Old Federal Court, Fourth and Texas Avenue.
Contact offices:
Camden, Camden Drug Building.
El Dorado, Federal Building.
Hope, County Court House.
Magnolia, 201 Main Street.
Hospitals:
Fayetteville, Veterans' Administration Hospital.
North Little Rock, Veterans' Administration Hospital.

KANSAS

Regional office: Wichita 15, 3801 South Oliver Street.
Contact offices:
Dodge City, McCarty Realty Building, 612 Second Avenue.
Goodland, Hunt-Ennis Building, Twelfth and Main Street.
Hays, City Hall, 135 West Eleventh Street.
Hutchinson, 14 West First Street.
Independence, Citizens National Bank Building.
Iola, 108½ South Jefferson.
Pittsburg, City Auditorium, Fifth and Pine Streets.
Salina, 114½ West Iron Street.
Wichita 2, 203 East Williams Street.
Subregional office: Topeka, 215 West Tenth Street, Masonic Temple.
Contact offices:
Concordia, Masonic Building, Eighth and Washington.
Emporia, I. O. O. F. Building, 24 West Fifth Street.
Manhattan, 405A Poyntz Avenue.
Hospital: Wichita 8, Kellogg and Bleckley Drive.
Center (hospital and domiliciary): Wadsworth 2, Veterans' Administration Center.
Hospital: Topeka, Veterans' Administration Hospital.

MISSOURI

Regional office: Kansas City 6, Municipal Auditorium, Thirteenth and Wyandotte Streets.
Contact offices:
Lawrence, Kans., 1035 Massachusetts Street.
Nevada, 229 West Cherry Street.
Sedalia, 511 South Ohio Street.
Subregional office: Springfield, 302½ East Pershing.
Contact offices:
Joplin, 223 West Third Street.
Lebanon, 208 West Commercial Street.
West Plains, Court House Building.
Subregional office: St. Joseph 7, 814 Frederick Avenue.
Contact offices:
Chillicothe, 619–621 Locust Street, P. O. Box 411.
Horton, Kans., 115 East Tenth Street.
Maryville, 115 West Fourth Street.
Regional office: St. Louis 2, 415 Pine Street.
Contact offices:
Flat River, 308 East Main Street.
St. Charles, 121–3 North Main Street.
Washington, 205 Elm Street.
Subregional office: Jefferson City, Post Office Building.
Contact offices:
Boonville, 417 East Spring Street.
Columbia, 715–A Broadway.
Mexico, 105 North Olive Street.
Rolla, 702 Pine Street.
Subregional office: Moberly, Public Library, 111 North Fourth Street.
Contact offices:
Hannibal, 1020 Broadway.
Kirksville, 106 South Main Street.
Subregional office: Poplar Bluff, New State Bank Building, Main and Vine Streets.
Contact offices:
Cape Girardeau, 400–416 Broadway.
Caruthersville, 301 Ward Street.
Charleston, Buckner-Ragsdale Building, Main and Market.
Kennett, Post Office Building.
Sikeston, P. O. Building, 215 North New Madrid Street.
Hospitals:
Excelsior Springs, Veterans' Administration Hospital.
Jefferson Barracks 23, Veterans' Administration Hospital.
Springfield, Veterans' Administration Hospital.

OKLAHOMA

Regional Office: Muskogee, Second and Court Streets.
Contact Office: Okmulgee, McCulloch Building, Fifth and Grand Avenue.
Subregional office: [1] McAlester, Federal Building.
Contact offices:
Durant, Municipal Building.
Hugo, Post Office Building.
Subregional office: Tulsa 3, Bethlehem Building, Second and Boston Streets.
Contact offices:
Bartlesville, Post Office Building.
Vinita, Federal Building.
Regional office: Oklahoma City, 1101 North Broadway.
Contact offices:
Ada, Federal Building, 131 East Twelfth Street.
Ardmore, 12 B Street NW.
Clinton, 221 Frisco Street.
Norman, Woodrow Wilson Center, Lindsey and Jenkins Streets.
Shawnee, 107 North Broadway.
Stillwater, Stillwater National Bank Building.
Subregional office: Enid, Old Post Office Building.
Contact offices:
Ponca City, 402 East Grant Street.
Woodward, 905½ Main Street.
Subregional office: Lawton, Federal Building, P. O. Box 1185.
Contact offices:
Altus, Badger-Henry Building.
Chickasha, Oklahoma National Bank Building.
Hospitals:
Muskogee, Memorial Station, Honor Heights Drive.
Oklahoma City, Veterans' Administration Hospital.

5. Section 01.71 is amended to read as follows:

§ 01.71 *Branch No. 12 Area (Arizona, California, Nevada, Territory of Hawaii).* (a) Address of Branch Office No. 12:

[1] Now operating as a contact office.

Deputy Administrator, Veterans' Administration Branch Office No. 12, 180 New Montgomery Street, San Francisco 5, California.

(b) This is a guide to the location of VA Regional Offices and Centers, the Sub-Regional Offices and Contact Offices thereunder, and Hospitals, in Branch No. 12 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

ARIZONA

Type of Activity, Location, and Address

Regional office: Phoenix, Ellis Building, 137 North Second Avenue.
Contact offices:
Douglas, 433 Tenth Street.
Flagstaff, Arizona State College.
Globe, 106 North Broad Street.
Safford, 611 Central Street.
Tucson, Greenway Station.
Window Rock, Room 23, Main Administration Building.
Yuma, 198 Main Street.
Hospitals:
Phoenix, P. O. Box 2260.
Tucson, Veterans' Administration Hospital.
Center (hospital and domiciliary): Whipple, Veterans' Administration Center.

CALIFORNIA

Regional office: Los Angeles 25, 1380 South Sepulveda Boulevard.
Contact offices:
Pasadena, 137 North Marengo Avenue.
Pomona, 440 South Thomas Street.
Subregional office: Bakersfield, 1100 Golden State Highway.
Contact office: Bishop, 127 West Lime Street.
Subregional office: Long Beach, 215 American Avenue.
Contact office: Santa Ana, 104 West Fourth Street.
Subregional office: San Bernardino, 1120 North E Street.
Contact offices:
Las Vegas, Nevada, 209 South Third Street.
Riverside, Post Office Building, Ninth and Orange Streets.
Subregional office: Santa Barbara, 735 State Street.
Contact offices:
San Luis Obispo, 864 Santa Rosa Street.
Santa Maria, 125 West Church Street.
Ventura, 150 South California Street.
Regional office: San Diego 12, P. O. Box 1111 (telegraphic address: 325 B Street).
Contact offices:
El Centro, Sixth and Main Streets.
Oceanside, 122 North Cleveland Street.
San Diego, 5402 College Avenue.
Regional office: San Francisco 3, 49 Fourth Street.
Contact offices:
San Francisco 5, 180 New Montgomery Street.
San Mateo, City Hall, Baldwin Avenue and San Mateo Drive.
San Rafael, Masonic Building, Lootins Place.
Subregional offices:
Eureka,[1] Courthouse Building.
Fresno 1, 2145 Fresno Street.
Contact offices:
Madera, 124 East Yosemite.
Merced, 709 Seventeenth Street.
Subregional office: Oakland, 1305 Franklin Street.
Contact offices:
Berkeley 4, 2168 Shattuck Avenue.
Richmond, 4113 MacDonald Avenue.
Subregional office:[1] Redding, 1407 California Street.
Contact office: Chico, 229 Salem Street.
Subregional office:[1] Sacramento, 1107 Ninth Street.
Contact offices:
Marysville, Post Office Building, 321 C Street.
Vallejo, 342 Virginia Street.
Subregional office: San Jose, 439 South First Street.
Contact offices:
Palo Alto, Room D, Community Center Building.
Salinas, 6 West Gabilan Street.
Santa Cruz, 54 Pacific Avenue.
Watsonville, 215 Third Street.
Subregional office: Santa Rosa, Lemmon Building, 533 Fifth Street.
Contact office: Ukiah, 107 West Perkins Street.
Subregional office: Stockton, 237 East Miner Avenue.
Contact office: Modesto, 910 Eye Street.
Hospital: Livermore, Veterans' Administration Hospital.
Center (hospital and domiciliary): Los Angeles 25, Sawtelle and Wilshire Boulevards.
Hospitals:
Oakland 12, 13th and Harrison Streets.
Palo Alto, Veterans' Administration Hospital.
San Fernando, Veterans' Administration Hospital.
San Francisco 21, 42d and Clement Street.
Van Nuys, Veterans' Administration Hospital.
Supply Depot:[2] Wilmington, P. O. Box No. 385.
Western Forms Depot[2] (serves branches 11, 12, and 13): Oakland, Taft-Pennoyer Building, Fifteenth and Clay Streets.

NEVADA

Center (regional office and hospital): Reno, Veterans' Administration Center.
Contact offices:
Elko, 470 Commercial Street.
Ely, 612 Aultman Street.
Susanville, Calif., 822 Lassen Street.
Winnemucca, 345 Bridge Street.

TERRITORY OF HAWAII

Regional office: Honolulu 1, P. O. Box 3198 (all VA mail to be sent air mail; C-files by registered regular mail, radios: c/o Mitsukoshi Building.)
Contact offices:
Hilo, Hawaii, P. O. Box 1779 (Post Office Building.)
Lihue, Kauai, P. O. Box 508 (Royal Theatre Building.)
Wailuku, Maui, P. O. Box 1731 (Wadsworth Federal Building.)

6. Section 01.72 is amended to read as follows:

§ 01.72 *Branch No. 13 Area (Colorado, New Mexico, Utah, Wyoming).* (a) Address of Branch Office No. 13: Deputy Administrator, Veterans' Administration Branch Office No. 13, P. O. Box 1260 (Denver Federal Center), Denver 1, Colorado.

(b) This is a guide to the location of VA Regional Offices and Centers, the Subregional Offices and Contact Offices thereunder, and Hospitals, in Branch No. 13 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

COLORADO

Type of Activity, Location and Address

Regional office: Denver 2, 1108 Fifteenth Street.
Contact offices:
Alamosa, 624 Fourth Street.
Boulder, 1424 Pearl Street.
Colorado Springs, 121 East Pikes Peak Avenue.
Durango, Federal Building.
Fort Collins, 125 Linden Street.
Grand Junction, 308½ Main Street.
Greeley, 12th Street and 11th Avenue.
Pueblo, 120 North Main Street.
Sterling, Federal Building.
Trinidad, 108 South Commercial Street.
Hospitals:
Fort Logan, Veterans' Administration Hospital.
Fort Lyon, Veterans' Administration Hospital (near Las Animas, Bent County).
Supply depot:[2] Denver 5, 3800 York Street.

NEW MEXICO

Regional office: Albuquerque, 115 South Third Street (For mail: P. O. Box 527).
Contact offices:
Albuquerque, 400 West Gold Avenue.
Carlsbad, County Courthouse.
Clovis, City Hall.
Gallup, Post Office Building.
Hobbs, 101 North Turner.
Las Cruces, County Court House.
Las Vegas, Post Office Building.
Raton, Post Office Building.
Roswell, City Hall.
Santa Fe, Radio Plaza Building.
Hospitals:
Albuquerque, P. O. Box 1344.
Fort Bayard, Veterans' Administration Hospital (near Silver City, Grant County).

UTAH

Regional office: Salt Lake City 4, 1710 South Redwood Road.
Contact offices:
Cedar City, Post Office Building.
Logan, Thatcher Building, 33 South Main Street.
Manti, Manti Grocery Building, 01 East Union Street.
Ogden, 2411 Kiesel Avenue.
Price, Post Office Building.
Provo, 287 East First North Street.
Richfield, 112 North Main Street.
Roosevelt, Shurtleff Hotel.
Salt Lake City 1, 212 South West Temple Street.
Hospital: Salt Lake City 3, Veterans' Administration Hospital.

WYOMING

Center (regional office and hospital): Cheyenne, Veterans' Administration Center.
Contact offices:
Laramie, 209 Grand Avenue.
Rock Springs, 307 C Street.
Torrington, County Courthouse, 216 East Twenty-first Street.
Worland, County Courthouse.
Subregional office: Casper, 124 West Second Street.
Contact offices:
Gillette, P. O. Box 712, 444 Gillette Avenue.
Powell, P. O. Box 71, 118 Bent Street.
Sheridan, 3 North Main Street.
Hospital: Sheridan, Veterans' Administration Hospital.

(Secs. 3, 12, 60 Stat. 238, 244; 5 U. S. C. Sup., 1002, 1011)

[SEAL] O. W. CLARK,
Acting Administrator of Veterans' Affairs.

[F. R. Doc. 47-8574; Filed, Sept. 19, 1947; 9:08 a. m.]

[1] Now operating as a contact office.

[2] Not for contacts concerning benefits.

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; BELGIUM

The regulations under the country "Belgium" (39 CFR Part 21, Subpart B) are amended to read as follows:

Regular mails. See Table No. 1, § 21.116, for classifications, rates, weight limits and dimensions. Small packets accepted.

Indemnity. See § 21.110.

Special delivery. Fee 20 cents. (See § 21.18.)

Air mail service. Postage rate 15 cents one-half ounce. (See §§ 21.19 and 21.21.)

Dutiable articles (merchandise) prepaid at letter rate. Accepted. (See § 21.3.)

Observations. The indication "Printed in U. S. A." must appear on articles of printed matter imported from the United States. This marking is obligatory, except in certain cases, notably articles whose weight does not exceed four ounces or which consist of only one article or one copy. As related to music, it may consist of several instrumental parts or even a complete orchestration.

Prohibitions. Articles bearing on the outside facsimiles of postage stamps, even when such facsimiles can not be confused with authentic postage stamps. Also, all articles prohibited in the form of parcel post.

Printed matter is generally dutiable in Belgium. However, the Belgian customs authorities exceptionally admit as regular the importation of printed matter up to two kilograms in weight, without Form 2976 (C 1) affixed. This concession, however, applies only to price lists, catalogs, and advertising matter of business firms, and any fees or charges which may be due on such matter must be paid.

Also, the green label, Form 2976 (C 1), is not required on free copies of newly published books mailed by the publishers to Belgian literary and scientific societies and journalists, provided the outer wrappers bear a dedication or the words "Press Service" or some other indication that the copies are being sent gratuitously under the conditions mentioned.

Parcel post. (Belgium.)

Lbs.	Rate	Lbs.	Rate	Lbs.	Rate
1	$0.14	16	$2.24	31	$4.34
2	.28	17	2.38	32	4.48
3	.42	18	2.52	33	4.62
4	.56	19	2.66	34	4.76
5	.70	20	2.80	35	4.90
6	.84	21	2.94	36	5.04
7	.98	22	3.08	37	5.18
8	1.12	23	3.22	38	5.32
9	1.26	24	3.36	39	5.46
10	1.40	25	3.50	40	5.60
11	1.54	26	3.64	41	5.74
12	1.68	27	3.78	42	5.88
13	1.82	28	3.92	43	6.02
14	1.96	29	4.06	44	6.16
15	2.10	30	4.20		

Weight limit: 44 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: (See Sec. 77.)
Registration: No.
Insurance: No.
C. o. d.: No.
Exchange office: New York.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Storage charges. See section 93 relative to storage charges on returned parcels.

Observations. It frequently happens that the senders of merchandise liable to ad valorem import duties in Belgium mention the amount of the invoice in the value column of the customs declarations.

However, in accordance with article 3 of the law of April 8, 1922, the value to be declared for the payment of duties may not be lower than the normal gross price of similar merchandise on the Belgian markets at the time of importation after making deduction of a sum proportional to the duties to which such products are liable upon introduction.

Prohibitions. For sanitary reasons: Meats, grease and other edible animal products as well as margarine and other manufactured edible greases, are admitted only after sanitary examination. Meats, grease and other products, prepared or preserved, from domestic solid-hoofed animals, are prohibited.

Bone meal and other powdered animal products may be imported only through customs offices where veterinary health services are in operation.

White lead, except under the conditions prescribed by the Ministry of Industry, Labor and Welfare. This applies to all white compounds of lead intended for professional use. Colors contained in tubes weighing less than 500 grams are not subject to these provisions.

White lead and other white compounds of lead in powder form, in lumps, or in cakes, must be inclosed in hermetically sealed containers bearing on the outside, in conspicuous characters, the name of the seller or his mark and the nature of the product.

Linens, clothing, rags, bedding, etc., from countries or regions affected by cholera or plague.

For the protection of animals or plants: Bird-eggs, during the closed season.

The importation of the bird-eggs may be authorized, during the closed season, by the Ministry of Agriculture, under conditions to be prescribed by said official.

Indian berries, in quantities of less than 50 kilograms, except in the case of products sold and delivered to a pharmacist and accompanied by an invoice from the seller.

The importation of tuberculine for animals is subject to special authorization from the Ministry of Agriculture.

Buds of resinous plants.

Articles prohibited by the International Phylloxera Convention: The importation and transit of uprooted grapevine stocks, dried grapevine shoots, and grapevine cuttings is prohibited.

The importation and transit of grapevine plants, grapevine cuttings, with or without roots, and green shoots are, permitted only when the products in question come from phylloxera-free regions, and their introduction into the country is subject to a permit to be obtained in advance from the Ministry of Agriculture, and to the fulfillment of certain formalities.

The importation and transit of table grapes may be effected only in well-closed boxes, casks, or baskets, easy to inspect and bearing mention of the nature of the shipment.

Vintage grapes are not admitted by parcel post. Grape marcs must be inclosed in well-closed cases.

Shipments of plants, shrubs, and vegetables—other than truck-garden products, cut flowers, flower bulbs, and seeds of all kinds—coming from nurseries, gardens, or greenhouses may not contain either fragments or leaves of grapevines; they must be presented under the usual conditions of packing, so as to permit the necessary inspection, unless, for transit shipments, the parcels are sealed by the customs agents of the country of origin. The shipments must be accompanied by a declaration signed by the sender bearing—

An indication of the ultimate destination and the consignee's address;
A statement that the entire parcel comes from the establishment of the shipper;
An attestation that the shipment does not contain any grapevine stems;
A statement that the plants are presented with or without balls of earth.

Potatoes, tomatoes and eggplants may be imported only on production of a certificate issued by the phytopathological service of the country of origin explicitly certifying that the tubers come from a region free, within a radius of at least 20 kilometers, from any focus of Doryphora decemlineata (Colorado potato beetle) or Synchytrium endobioticum (potato wart disease). This condition as to distance must be strictly observed in regard to the Doryphora. As for foci of the wart disease, when the place of origin of the potatoes, without being 20 kilometers distant, is nevertheless at least 500 meters removed, the importation of the tubers may still be effected on condition that the above-mentioned certificate, establishing the facts, also shows that the shipment has been inspected by the aforementioned service and found free from the wart disease.

The importation of fruits or plants of eggplants, or of tomatoes, is likewise subject to the production of a phytopathological certificate explicitly attesting that the said products come from a region exempt, within a radius of at least 20 kilometers, from any focus of Doryphora.

The phytopathological certificates are valid only for a single shipment.

Arms: Special restrictions apply to the importation of all arms except hunting and sporting arms, side arms of war, arms for collections, and arms intended for use of government authorities.

For other reasons: Bronze, copper, and nickel coins not legal tender in Belgium. This prohibition does not cover old coins out of circulation, of different models and types, in the form of samples, imported for collections.

The importation of chicken and duck eggs in the shell requires the marking of each egg in a legible manner on the shell with the name of the country of origin, in capital letters at least 2 millimeters high. However, this does not apply to eggs in quantities of less than 100, nor to those imported by special authorization of the Department of Agriculture. Such authorization is also necessary for the reimportation of eggs bearing a mark of Belgian origin, and in such a case express mention should be made in the authorization of that marking.

Works of art produced prior to 1801 are admitted only after a special examination.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] ROBERT E. HANNEGAN,
Postmaster General.

[F. R. Doc. 47-8542; Filed, Sept. 19, 1947; 8:54 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order No. 2360]

PART 4—DELEGATIONS OF AUTHORITY

LEASES

Paragraph 3 of Order No. 2219, dated July 3, 1946, is revoked, and § 4.102 reading as follows is added to Part 4:

§ 4.102 *Leases.* (a) The head of a bureau may lease space in real estate outside the District of Columbia, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations. Secretarial approval is not a condition precedent to the consummation of a lease agreement unless the Secretary, by written order published in the FEDERAL REGISTER, prescribes such a requirement with respect to a particular lease or type of lease, or unless Secretarial approval is specifically required by statute. However, the head of a bureau may request Secretarial approval of any proposed lease.

(b) With respect to any such lease, including a lease approved by the Secretary, the head of a bureau may modify or renew the lease if such action is legally permissible, and may terminate the lease if such action is legally authorized.

(c) Proposed leases, renewals, and modifications which would increase the area or rental involved should be cleared either with a division field office or with the Washington office of the Public Buildings Administration unless (1) the lease, modification, or renewal involves the acquisition of office space for a period of less than 6 months at a rental that is lower than $500 per annum, or (2) the lease involves the acquisition of space other than office space at an annual rental of less than $500, or (3) the lease involves space in real estate located outside the borders of the United States.

(d) The termination or lapse of a lease which has been cleared by the Public Buildings Administration should be reported to a division field office or the Washington office of that agency.

(e) The head of a bureau may redelegate to subordinate officials and employees of the bureau the authority granted in this section. Each such redelegation shall be published in the FEDERAL REGISTER.

(f) A copy of U. S. Standard Form 81, "Request for Clearance of Lease," or of Form REM 6, "Request for Clearance of Space," or of P-SC Form No. 6, "Request for Approval of Lease," for each lease and each modification or renewal of a lease shall be transmitted to the Chief Clerk of the Department. If the lease, modification, or renewal has been cleared with a division field office or the Washington office of the Public Buildings Administration, that fact shall be indicated on the copy sent to the Chief Clerk.

(g) As used in this section, the term "bureau" means The Alaska Railroad, the Alaska Road Commission, the Alaska-Seattle Service Office, the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Mines, the Bureau of Reclamation, the Fish and Wildlife Service, the Geological Survey, the National Park Service, the Puerto Rico Reconstruction Administration, and the Southwestern Power Administration. This section has no application to the Bonneville Power Administrator, whose authority concerning leases is derived from the act of August 20, 1937 (16 U. S. C. 832 et seq.), as amended. (R. S. 161; 5 U. S. C. 22)

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

SEPTEMBER 15, 1947.

[F. R. Doc. 47-8540; Filed, Sept. 19, 1947; 8:53 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

PART 50—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY

CROSS REFERENCE: For order affecting the list of delegations of authority contained in §§ 50.75 to 50.81, inclusive, see Part 4 of this title, *supra*, authorizing the head of the Bureau of Land Management to lease space in real estate outside the District of Columbia.

[Circular No. 1656]

PART 141—COLOR OF TITLE AND RIPARIAN CLAIMS APPLICABLE TO PARTICULAR STATES

COLOR OF TITLE CLAIMS FOR PUBLIC LANDS SITUATED IN OKLAHOMA BETWEEN CIMARRON BASE LINE AND NORTH BOUNDARY OF THE STATE OF TEXAS

Sec.
141.34 Statutory authority.
141.35 Filing of application.
141.36 Contents of application.
141.37 Purchase price.
141.38 Publication and posting.
141.39 Protests.
141.40 Final certificate and patent.

AUTHORITY: §§ 141.34 to 141.40, inclusive, issued under act of August 7, 1946 (60 Stat. 872).

§ 141.34 *Statutory authority.* Section 1 of the act of August 7, 1946 (60 Stat. 872), provides that, where public lands situated south of the Cimarron base line in the State of Oklahoma and north of the north line of the State of Texas have been used, improved or cultivated in connection with abutting land, and have been held in good faith, in peaceful, open, adverse possession by a citizen, or citizens, of the United States or their ancestors, or grantors, for a period of not less than twenty years prior to the passage of the act, such citizen, or citizens, shall be entitled to receive a patent therefor upon payment of $1.25 per acre. The oil, gas, the other mineral deposits in the land are reserved to the United States.[1]

§ 141.35 *Filing of application.*[2] In order to obtain a patent under the act, applications must be filed in the Bureau of Land Management, Washington 25, D. C., within one year from November 14, 1947, the date of the official filing of the township plats of survey.[3]

§ 141.36 *Contents of application.* No specific form of application is required. The application need not be under oath but should be in typewritten form or in legible manuscript, and should contain or be accompanied by the following data:

(a) The applicant's full name and post office address and, if a woman, whether applicant is married or single.

(b) A statement that the applicant desires to purchase land under section 1 of the act of August 7, 1946 (60 Stat. 872).

(c) A description of the land sought to be purchased by legal subdivision, section, township and range.

(d) A statement as to the applicant's citizenship. If applicant is an individual, he should state whether he is native born or naturalized, and if naturalized, the date of naturalization, the court in which naturalized, and the number of the certificate, if known. If applicant is a married woman, she should also state the date of her marriage and the citizenship of her husband. If applicant is a corporation, it must file a certified copy of its articles of incorporation, proof of the authority of the officer making the application, and a showing as to residence and citizenship of its stockholders. If any of the stock of the corporation is held by aliens, the name, the country to which each owes allegiance and the amount of stock held by each must also be given.

(e) Proof that the land has been used, improved, or cultivated in connection with abutting land and has been held in good faith, in peaceful, open, and adverse possession by the applicant, his ancestors or grantors, for a period not less than 20 years prior to August 7, 1946. The abutting land must be sufficiently described to show its relation to the tract applied for as shown by the official plat of survey referred to in § 141.35.

If the applicant bases his claim upon matters of record, he must file, with his application, an abstract of title certified to by a competent abstracter, setting forth all conveyances and transactions of record affecting the land up to the date of filing his application. If use of the land is relied on as the basis of the

[1] The reserved minerals may be sold or disposed of by the United States under applicable laws, and permittees, lessees, grantees, or agents of the United States have the right to enter on the lands for the purpose of prospecting for and mining the minerals.

[2] Where any land included in the area described in § 141.34 is included in townsite plats recorded on the county records in Texas or Oklahoma, and the lots, blocks, streets, alleys and highways are shown on the townsite plats of survey referred to in § 141.35 according to such townsite plats, section 2 of the act (1) relinquishes title to such town lots and confirms such title in those persons, their heirs, assigns, or successors, who would be the true and lawful owners if the lands had been owned in fee simple at the time of the recordation of the townsite plats, and (2) dedicates the streets, alleys, and public highways. It also reserves to the United States the oil, gas, or other mineral deposits in the land thus relinquished, confirmed, or dedicated and provides for their disposal as provided by section 1 of the act. See footnote 1, *supra*. No action is necessary by the claimants under this section of the act.

[3] The lands in the area covered by the act will not be subject to entry under the general public land laws until further notice.

claim, he must also file a statement showing the manner in which the land was used by him and his predecessors in interest during the 20 years prior to August 7, 1946. If improvements on the land are relied on to support the claim, he must file a statement showing the nature, value, and location of the improvements, and when and by whom they were made. If cultivation of the land is relied on to support the claim, he must file a statement setting forth the amount and portion of the land which was cultivated, the nature of the cultivation and the years in which cultivation was had. Such statements must be corroborated by two disinterested witnesses having knowledge of the facts, but need not be under oath.

If applicant's claim is not based upon matters of record, he must file with his application a statement setting forth:

(1) The names of all the intermediate possessors of the land during the 20 years prior to August 7, 1946.

(2) The manner in which each intermediate possessor acquired the land.

(3) The period of time each intermediate possessor held the land.

(4) The nature of the use, improvements, or cultivation of the land by each intermediate possessor.

(5) The date and the manner in which the applicant acquired possession of the land, and the nature of the use, improvement or cultivation of the land by him.

(6) Any other available facts tending to establish the applicant's peaceful, adverse possession of the land for the period required, and the manner in which the lands were used, improved, or cultivated.

Such statement must be corroborated by two disinterested witnesses having knowledge of the facts, but need not be under oath.

§ 141.37 *Purchase price.* At the time of filing of the application, applicant must submit the purchase price of the land, computed at the rate of $1.25 per acre.

§ 141.38 *Publication and posting.* If, upon consideration of the application, it is determined by the Bureau of Land Management that the applicant is entitled to purchase the tract applied for, notice for publication will be issued by the Bureau. Such notice shall be published at the expense of the applicant, once each week for a period of five consecutive weeks, in a newspaper to be designated by the Director of the Bureau of Land Management. The purpose of the notice will be to afford all persons claiming the land adversely to the applicant, a reasonable opportunity to file in the Bureau of Land Management their protests or objections to the purchase. A copy of the notice will be posted in a conspicuous place in the Bureau of Land Management during the entire period of publication. Upon completion of the publication of notice, evidence of publication must be furnished, consisting of an affidavit of the publisher and a copy of the notice published.

§ 141.39 *Protests.* If any protest or objection is filed, it must be accompanied by evidence that a copy thereof has been served on the applicant.

§ 141.40 *Final certificate and patent.* Upon compliance with the terms of the statute and the regulations, and if no objection appears, a final certificate will be issued, followed by patent. The final certificate will bear upon its face a notation that the patent will issue subject to a reservation to the United States of all minerals in accordance with the act of August 7, 1946 (60 Stat. 872). The patent, when issued, will contain the following provision:

Excepting and reserving to the United States pursuant to the act of August 7, 1946 (60 Stat. 872), all oil, gas or other mineral deposits contained therein, together with the right to sell or dispose of such minerals under applicable laws and the right of the permittees, lessees, grantees, or agents of the United States to enter upon said lands for the purpose of prospecting for and mining such minerals.

FRED W. JOHNSON,
Director.

Approved: September 12, 1947.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 47-8539; Filed, Sept. 19, 1947; 9:47 a. m.]

Appendix—Public Land Orders

[Public Land Order 408]

OKLAHOMA

ORDER MODIFYING EXECUTIVE ORDER NO. 6681 OF APRIL 17, 1934; NOTICE OF FILING OF PLATS OF SURVEY

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, Executive Order No. 6681 of April 17, 1934, withdrawing the hereinafter described public lands from settlement, location, sale, or entry for classification and pending legislation is hereby modified so as to permit the filing of applications for such lands under the act of August 7, 1946 (60 Stat. 872) as hereinafter provided.

Notice is given that the plats of survey of the hereinafter described lands, some of which were accepted August 24, 1932, and the remainder January 22, 1936, will be officially filed in the Bureau of Land Management, Washington 25, D. C., effective at 10:00 a. m. on November 14, 1947. At that time and until and including November 14, 1948, subject to valid existing rights and the provisions of existing withdrawals, the lands shall be subject to application under section 1 of the act of August 7, 1946 (60 Stat. 872).[1]

[1] Section 1 of the act of August 7, 1946 (60 Stat. 872), provides that, where public lands situated south of the Cimarron base line in the State of Oklahoma and north of the North line of the State of Texas have been used, improved or cultivated in connection with abutting land, and have been held in good faith, in peaceful, open, adverse possession by a citizen, or citizens, of the United States or their ancestors, or grantors, for a period of not less than twenty years prior to the passage of the act, such citizen, or citizens, shall be entitled to receive a patent therefor upon payment of $1.25 per acre. The oil, gas, and other mineral deposits in the land are reserved to the United States.

Applications under the act of August 7, 1946, shall be filed in accordance with that act and §§ 141.34 to 141.40 of Title 43 of the Code of Federal Regulations (Circular No. 1656). All applications shall be filed in the Bureau of Land Management, Washington 25, D. C.

The lands will not otherwise be subject to application, petition, location or selection under the general public land laws until further order.

The lands affected by this notice and order are situated south of the Cimarron base line in the State of Oklahoma, and north of the North line of the State of Texas in fractional townships described as follows:

CIMARRON, TEXAS AND BEAVER COUNTIES, OKLAHOMA, CIMARRON MERIDIAN

Tps. 1 S., Rs. 1 to 26 E.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

SEPTEMBER 12, 1947.

[F. R. Doc. 47-8538; Filed, Sept. 19, 1947; 8:54 a. m.]

Chapter II—Bureau of Reclamation, Department of the Interior

PART 400—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY

CROSS REFERENCE: For order affecting the list of delegations of authority contained in §§ 400.40 to 400.47, inclusive, see Part 4 of Subtitle A of this title, *supra*, authorizing the head of the Bureau of Reclamation to lease space in real estate outside the District of Columbia.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Order 110-H]

PART 3—RADIO BROADCAST SERVICES

EXTENSION OF LICENSES OF INTERNATIONAL BROADCAST STATIONS

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of August 1947;

The Commission having under consideration Order No. 110-G adopted June 26, 1947, providing for the extension of the licenses of international broadcast stations:

It is hereby ordered, That the license term for every international broadcast station presently licensed shall end at the earlier of the following dates: (a) December 31, 1947, or (b) the first day on which its operations are not controlled, by agreement or otherwise, by the State Department, Office of International Information and Cultural Affairs, or other governmental agency supervising the operation of international broadcasting; *Provided*, That this shall be without prejudice to the consideration of appropriate application filed by the licensee of any such station for authority to operate otherwise.

It is further ordered, That the portion of § 3.718 of the Commission's rules and regulations which establishes for international broadcast stations a normal license term of one year is hereby suspended until further order of the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 47-8576; Filed, Sept. 19, 1947; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[S. O. 772]

PART 95—CAR SERVICE

DELIVERY OF LOADED CARS TO AHNAPEE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of September A. D. 1947.

It appearing, that the Director of the Office of Defense Transportation has written this Commission on September 16 that the Green Bay and Western Railroad, the Kewaunee, Green Bay and Western Railroad Company on the one hand and The Ahnapee and Western Railway Company on the other hand are engaged in a financial dispute and that the two former companies are withholding the delivery of carload freight and accompanying revenue waybills and other necessary papers from the latter thus retarding and diminishing the utilization of freight cars urgently needed in the domestic economy; he asserts that for the week ending August 23, average daily shortages of box cars were 17,720 cars and that average daily shortages of all cars were 31,312 cars; he further petitions this Commission to take such action as in its opinion is necessary in the premises; the Commission is of opinion that an emergency requiring immediate action exists to alleviate a shortage of equipment and best promote the service in the interest of the public and the commerce of the people: it is ordered, that:

§ 95.772 *Delivery of loaded cars to Ahnapee*—(a) *Interchange.* The Green Bay and Western Railroad Company, the Kewaunee, Green Bay and Western Railroad Company are directed:

(1) To discontinue withholding railroad cars loaded with freight, the revenue waybills and other necessary shipping papers for freight shipments consigned to persons, partnerships or corporations located at points on The Ahnapee and Western Railway Company.

(2) To deliver to The Ahnapee and Western Railway Company at Casco Junction, Wisconsin, loaded railroad cars now being withheld, together with the revenue waybills and other necessary shipping papers for freight shipments consigned to persons, partnerships or corporations located at points on The Ahnapee and Western Railway Company.

(3) To handle, move, interchange and deliver loaded railroad cars together with the revenue waybills and other necessary shipping papers for shipments consigned to persons, partnerships or corporations located at points on The Ahnapee and Western Railway Company, and routed via Casco Junction, Wisconsin to that carrier at that junction after the effective date hereof.

(b) *Effective date.* This section shall become effective at 6:00 p. m., September 17, 1947.

(c) *Expiration date.* This section shall expire at 12:01 a. m., December 31, 1947 unless otherwise modified, changed, suspended or annulled by order of this Commission.

(d) *Intrastate application.* The provisions of this section shall apply to intrastate as well as interstate commerce.

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agrement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 402, 40 Stat. 101, sec. 4, 41 Stat. 476, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-8546; Filed, Sept. 19, 1947; 8:54 a. m.]

Subchapter C—Carriers by Water

PART 324—UNIFORM SYSTEM OF ACCOUNTS

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 4th day of September A. D. 1947.

The matter of accounting regulations for carriers by inland and coastal waterways being under consideration pursuant to the provisions of section 20 of Part I and section 313 of Part III of the Interstate Commerce Act, as amended; and,

It appearing, that by order dated July 16, 1947, certain modifications in the "Uniform System of Accounts for Carriers by Inland and Coastal Waterways" were issued (12 F. R. 5045) to become effective January 1, 1948, unless otherwise ordered after consideration of objections to be filed on or before August 29, 1947; and,

It further appearing, that no objections to the said modifications were received before the specified date (54 Stat. 917 and 944, 49 USC 20 (3) and 313 (c)); *It is ordered,* That:

(1) The modifications which were attached to and made a part of the said order of July 16, 1947, shall be filed with the Director of the Division of the Federal Register, together with a copy of this order, to be published in the FEDERAL REGISTER as substantive rules under section 3 (a) (3) of the Administrative Procedure Act, such rules to become effective January 1, 1948; and,

(2) Notice shall be given each carrier by inland and coastal waterway which was served with the order of July 16, 1947, that the modifications attached thereto and made a part thereof will become effective January 1, 1948, as therein ordered; and,

(3) A copy of this order and a copy of the notice to interested carriers shall be deposited in the office of the Secretary of the Commission at Washington, D. C.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

BALANCE-SHEET INSTRUCTIONS

1. In § 324.24 *Company securities owned,* cancel the titles of accounts 191 and 190, and substitute the following titles: "191, Reacquired and nominally issued capital stock," and "190, Reacquired and nominally issued long-term debt."

2. Section 324.26 *Discount, expense, and premium on capital stock* is amended in the following respects:

a. In paragraph (d), first sentence, cancel the title of account 191 and substitute the following title: "191, Reacquired and nominally issued capital stock" and eliminate the words "—Total book liability" from the title of account 240.

b. In paragraph (d), second sentence, cancel the sentence and substitute the following for it: "The difference between the amount at which such reacquired stock was recorded in account 240, 'Capital stock,' and the amount paid by the accounting company for such stock, combined with the recorded premium or discount and expense in respect to the reacquired stock at the date reacquired, shall be included in account 250.1, 'Paid-in surplus'."

c. In paragraph (e) cancel the title of account 191 and substitute the following title: "191, Reacquired and nominally issued capital stock."

BALANCE-SHEET ACCOUNTS

1. Following Note B to § 324.1-180 *Organization,* change the caption "Reacquired Securities" to read "Company Securities."

2. In § 324.1-190 *Reacquired long-term debt,* cancel the title of this account and substitute the following title: "190, Reacquired and nominally issued long-term debt."

3. In § 324.1-191 *Reacquired capital stock,* cancel the title of this account and substitute the following title: "191, Reacquired and nominally issued capital stock" and eliminate the words "—Total book liability" from the title of account 240 referred to in the second sentence of the text.

4. In § 324.1-240 *Capital stock; total book liability,* eliminate the words "total book liability" from the title of this account.

5. In § 324.1–241 *Capital stock subscribed* eliminate the words "—Total book liability" from the title of account 240 referred to in the last sentence of the text.

6. In § 324.1–242 *Premiums and assessments on capital stock*, the following changes are made:

a. In paragraph (a) eliminate the words "—Total book liability" from the title of account 240 referred to in the text.

b. In paragraph (b) cancel the paragraph and substitute the following:

(b) When capital stock is reacquired, the amount in this account with respect to the shares reacquired shall be charged hereto.

7. In § 324.1–243 *Discount and expense on capital stock*, designate the present text as paragraph (a) and insert the following paragraph (b):

(b) When capital stock is reacquired, the amount in this account with respect to the shares reacquired shall be credited hereto.

(Sec. 20 (3), 41 Stat. 493, as amended, sec. 13 (a), 54 Stat. 917; 49 U. S. C. 20 (3))

[F. R. Doc. 47–8547; Filed, Sept. 19, 1947; 8:53 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Part 01—Organization and Procedure

Delegation of Authority

Cross Reference: For order affecting the list of delegations of authority contained in §§ 01.50 to 01.54, inclusive, see Part 4 of Title 43, *supra*, authorizing the head of the Fish and Wildlife Service to lease space in real estate outside the District of Columbia.

Subchapter C—National Wildlife Refuges; Individual Regulations

Part 29—Plains Region National Wildlife Refuges

Hunting in Lostwood National Wildlife Refuge, North Dakota

§ 29.572 *Lostwood National Wildlife Refuge, North Dakota; hunting of deer, coyotes, and fox.* Deer, coyotes, and fox may be taken during the open season prescribed by the Game and Fish Department of the State of North Dakota for the hunting of deer during the calendar year 1947 on certain lands, hereinafter specified, of the United States within the Lostwood National Wildlife Refuge, North Dakota.

Areas Open to Hunting

(a) That part of the refuge lying and being south of North Dakota State Highway No. 50.

(b) That part of the refuge lying and being in Township 159 North, Range 92 West, Fifth Principal Meridian.

Entry on and use of the refuge for any purpose is governed by the regulations for the administration of national wildlife refuges dated December 19, 1940 (5 F. R. 5284), as amended, and strict compliance therewith is required. All persons hunting on the refuge must comply with the State hunting laws and regulations, and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license or licenses, including a deer tag, may be required by such laws and regulations for the hunting of deer, which said license and deer tag shall serve as a Federal permit for hunting on the refuge.

Persons entering the refuge for the purpose of hunting shall use such routes of travel within the refuge, as are designated by posting. The carrying or being in possession of firearms within the areas of the refuge not open to public hunting is prohibited, except that such firearms may be possessed or transported across such closed areas, provided they are unloaded and broken or properly encased.

State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting. (Sec. 84, 35 Stat. 1104, as amended; 18 U. S. C. and Sup., 145)

Dated: September 12, 1947.

O. H. Johnson,
Acting Director.

[F. R. Doc. 47–8537; Filed, Sept. 19, 1947; 8:55 a. m.]

Part 29—Plains Region National Wildlife Refuges

Hunting in Lower Souris National Wildlife Refuge, North Dakota

§ 29.573a *Lower Souris National Wildlife Refuge, North Dakota; hunting of deer, coyotes, and fox.* Deer, coyotes, and fox may be taken during the open season prescribed by the Game and Fish Department of the State of North Dakota for the hunting of deer during the calendar year 1947 on certain lands, hereinafter specified, of the United States within the Lower Souris National Wildlife Refuge, North Dakota.

Areas Open to Hunting

(a) That part of the refuge lying and being south of the Upham-Willow City road.

(b) That part of the refuge lying and being north of North Dakota State Highway No. 5.

Entry on and use of the refuge for any purpose is governed by the regulations for the administration of national wildlife refuges dated December 19, 1940 (5 F. R. 5284), as amended, and strict compliance therewith is required. All persons hunting on the refuge must comply with the State hunting laws and regulations, and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license or licenses, including a deer tag, may be required by such laws and regulations for the hunting of deer, which said license and deer tag shall serve as a Federal permit for hunting on the refuge.

Persons entering the refuge for the purpose of hunting shall use such routes of travel within the refuge, as are designated by posting. The carrying or being in possession of firearms within the areas of the refuge not open to public hunting is prohibited, except that such firearms may be possessed or transported across such closed areas, provided they are unloaded and broken or properly encased.

State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting. (Sec. 84, 35 Stat. 1104, as amended; 18 U. S. C. and Sup., 145)

Dated: September 12, 1947.

O. H. Johnson,
Acting Director.

[F. R. Doc. 47–8536; Filed, Sept. 19, 1947; 8:55 a. m.]

Part 29—Plains Region National Wildlife Refuges

Hunting in Upper Souris National Wildlife Refuge, North Dakota

§ 29.919a *Upper Souris National Wildlife Refuge, North Dakota; hunting of deer, coyotes, and fox.* Deer, coyotes, and fox may be taken during the open season prescribed by the Game and Fish Department of the State of North Dakota for the hunting of deer during the calendar year 1947 on certain lands, hereinafter specified, of the United States within the Upper Souris National Wildlife Refuge, North Dakota.

Areas Open to Hunting

(a) That part of the refuge lying and being south of dam 83.

(b) That part of the refuge lying and being north of North Dakota State Highway No. 28.

Entry on and use of the refuge for any purpose is governed by the regulations for the administration of national wildlife refuges dated December 19, 1940 (5 F. R. 5284), as amended, and strict compliance therewith is required. All persons hunting on the refuge must comply with the State hunting laws and regulations, and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license or licenses, including a deer tag, may be required by such laws and regulations for the hunting of deer, which said license and deer tag shall serve as a Federal permit for hunting on the refuge.

Persons entering the refuge for the purpose of hunting shall use such routes of travel within the refuge, as are designated by posting. The carrying or being in possession of firearms within the

areas of the refuge not open to public hunting is prohibited, except that such firearms may be possessed or transported across such closed areas, provided they are unloaded and broken or properly cased.

State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting. (Sec. 84, 35 Stat. 1104, as amended; 18 U. S. C. and Sup., 145)

Dated: September 12, 1947.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 47-8535; Filed, Sept. 19, 1947; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 51]

UNITED STATES STANDARDS FOR POTATOES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under the authority contained in the Department of Agriculture Appropriation Act for 1948 (Pub. Law 266, 80th Cong., 1st Sess., approved July 30, 1947), that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of the United States Consumer Standards for Potatoes. This is the first issue of these standards which are proposed to become effective during the month of November 1947.

These permissive standards are suggested with the view that when potatoes are sorted to meet the requirements of such standards, and containers are marked as to grade, including size, and other pertinent information, consumers will have greater opportunity to purchase the quality of potatoes they desire. The standards may also be used as a basis of contract between distributors and retailers as well as a basis of sale to consumers. The proposed standards are as follows:

§ 51.367 *Consumer standards for potatoes*—(a) *Grades*—(1) *U. S. Grade A Small: U. S. Grade A Medium: U. S. Grade A Medium to Large: U. S. Grade A Large.* Potatoes of each of these grades shall be of one variety or similar varietal characteristics which are fairly well shaped, fairly clean, free from freezing injury, blackheart, late blight, and soft rot or wet breakdown, and from damage caused by sunburn, second growth, growth cracks, air cracks, hollow heart, internal discoloration, cuts, shriveling, sprouting, scab, dry rot, Rhizoctonia, other diseases, wireworm, other insects, or mechanical or other means. Potatoes of these grades shall also be mature: *Provided,* That potatoes which are not mature and the outer skin loosens or "feathers" readily under the usual handling practices need not meet this requirement if they are firm and are further designated as "Early" in connection with the grade, as for example "U. S. Grade A Medium-Early." Potatoes on the shown face shall be reasonably representative in size and quality of the contents of the container. (See Size range requirements.)

(i) *Tolerances.* Incident to proper grading and handling, except for the tolerances for size, not more than a total of 5 percent, by weight, of the potatoes in any lot may fail to meet the requirements of the grade, including not more than 1 percent for potatoes affected by soft rot or wet breakdown. (See Application of tolerances.)

(2) *U. S. Grade B Small: U. S. Grade B Medium: U. S. Grade B Medium to Large: U. S. Grade B Large.* Potatoes of each of these grades shall meet the requirements for U. S. Grade A Small; U. S. Grade A Medium; U. S. Grade A Medium to Large; and U. S. Grade A Large, except for the increased tolerance for defects specified below. (See Size range requirements.)

(i) *Tolerances.* Incident to proper grading and handling, except for the tolerances for size, not more than a total of 20 percent, by weight, of the potatoes in any lot may fail to meet the requirements of the grade, but not more than 5 percent shall be allowed for potatoes which are seriously damaged by any cause, including not more than 1 percent for potatoes affected by soft rot or wet breakdown. (See Application of tolerances.)

(3) *Size range requirements.* In addition to the quality requirements specified for the above grades, potatoes shall also meet the requirements for minimum and maximum diameter or weight, and the tolerance as specified for the various grades in the table below. Potatoes specified as meeting one of the grades may be of any size within its size range requirement, except that it is not permissible to specify a lot as "U. S. Grade A Medium to Large," or "U. S. Grade B Medium to Large," unless more than 15 percent, by weight, of the potatoes are larger than the maximum size required for U. S. Grade A Medium, or U. S. Grade B Medium, respectively. For example, a lot of round or intermediate shaped potatoes to be specified as "U. S. Grade A Medium to Large" must have more than 15 percent, by weight, of potatoes from 3 to 4 inches in diameter.

Grades	Size range requirements, round or intermediate shaped varieties		Tolerance for size	
	Minimum diameter	Maximum diameter	Undersize	Oversize
	Inches	*Inches*	*Percent*	*Percent*
U. S. Grades A & B small	1½	2¼	3	15
U. S. Grades A & B medium	2¼	3	5	15
U. S. Grades A & B medium to large	2¼	4	5	15
U. S. Grades A & B large	3	4	5	15

Grades	Size range requirements, long varieties		Tolerance for size	
	Minimum diam. or wt.	Maximum weight	Undersize	Oversize
		Ounces	*Percent*	*Percent*
U. S. Grades A & B small	1½ inches	4	3	15
U. S. Grades A & B medium	4 ounces	10	5	15
U. S. Grades A & B medium to large	4 ounces	16	5	15
U. S. Grades A & B large	10 ounces	16	5	15

(b) *Off-Grade potatoes.* Potatoes which fail to meet the requirements of any of the foregoing grades shall be Off-Grade potatoes.

(c) *Application of tolerances to individual containers.* Based on sample inspection, the contents of individual containers in the lot are subject to the following limitations; provided, that the average for the entire lot are within the tolerances specified for the grade:

(1) When a tolerance is 10 percent or more, not more than one-tenth of the individual containers in any lot may contain more than one and one-half times the tolerance specified, except that at least one defective and one off-sized specimen may be permitted in a container.

(2) When a tolerance is less than 10 percent, not more than one-tenth of the individual containers in any lot may contain more than double the tolerance specified, but no package may contain more than four times the tolerance for soft rot or wet breakdown, except that at least one defective and one off-sized specimen may be permitted in a container.

(d) *Definitions.* (1) "Fairly well shaped" means that the appearance of the individual potato or the general appearance of the potatoes in the container is not materially injured by pointed, dumbbell-shaped or otherwise ill-formed potatoes.

(2) "Fairly clean" means that from the viewpoint of general appearance, the potatoes in the container are reasonably free from dirt or other foreign matter, and that individual potatoes are not materially caked with dirt or materially stained.

(3) "Soft rot or wet breakdown" means any soft, mushy, or leaky condition of the tissue such as slimy soft rot, leak, or wet breakdown following freezing injury, scald, or other injury.

(4) "Damage" means any injury or defect which materially injures the shipping quality or the appearance of the individual potato or the general appearance of the potatoes in the container, or which cannot be removed without a loss of more than 5 percent of the total weight of the potato including peel covering defective area. Loss of outer skin (epidermis) shall not be considered as damage when the potatoes are designated as "Early" unless the skinned surface is materially affected by dark discoloration. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Second growth or growth cracks which have developed to such an extent as to materially injure the appearance of the individual potato or the general appearance of the potatoes in the container.

(ii) Air cracks which are deep, or shallow air cracks which materially injure the appearance of the individual potato or the general appearance of the potatoes in the container.

(iii) Shriveling, when the potato is more than moderately shiveled, spongy, or flabby.

(iv) Sprouting, when the sprouts are not dried and are more than one-half inch long.

(v) Surface scab which covers an area of more than 5 percent of the surface of the potato in the aggregate.

(vi) Pitted scab which affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than 5 percent of the total weight of the potato including peel covering defective area.

(vii) Rhizoctenia, when the general appearance of the potatoes in the container is materially injured or when individual potatoes are badly infected.

(viii) Wireworm, grass root or similar injury, when any hole on potatoes ranging in size from 6 to 8 ounces is longer than three-fourths inch, or when the aggregate length of all holes is more than one and one-fourth inches; smaller potatoes shall have lesser amounts and larger potatoes may have greater amounts, provided, that the removal of the injury by proper trimming does not cause the appearance of such potatoes to be injured to a greater extent than that caused by the proper trimming of such injury permitted on a 6 to 8 ounce potato.

(5) "Internal discoloration" means discoloration such as is caused by net necrosis or any other type of necrosia, stem-end browning, internal brown spot, or other similar types of discoloration not visible externally.

(6) "Mature" means that the outer skin (epidermis) does not loosen or "feather" readily during the ordinary methods of handling.

(7) "Serious damage" means any injury or defect which seriously injures the shipping quality or the appearance of the individual potato or the general appearance of the potatoes in the container, or which cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering defective area. Any one of the following defects or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(i) Fairly smooth cuts such as are made by the digger, or by a knife to remove injury when both ends are clipped, or when more than an estimated one-fourth of the potato is cut away, or, in the case of long varieties, when the remaining portion of the clipped potato weighs less than 6 ounces; irregular types of cuts which seriously affect the appearance of the individual potato, or which cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering defective area.

(ii) Shriveling, when the potato is excessively shriveled, spongy, or flabby.

(iii) Surface scab which covers an area of more than 50 percent of the surface of the potato in the aggregate.

(iv) Pitted scab which affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than 10 percent of the total weight of the potato including peel covering defective area.

(v) Wireworm, grass root or similar injury, when any hole on potatoes ranging in size from 6 to 8 ounces is longer than one and one-fourth inches, or when the aggregate length of all holes is more than two inches; smaller potatoes shall have lesser amounts and larger potatoes may have greater amounts; provided, that the removal of the injury by proper trimming, does not cause the appearance of such potatoes to be injured to a greater extent than that caused by the proper trimming of such injury permitted on a 5 to 8 ounce potato.

(8) "Diameter" means the greatest dimension at right angles to the longitudinal axis. The long axis shall be used without regard to the position of the stem (rhizome).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards shall file the same in quadruplicate with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington, D. C., not later than 5:30 p. m., e. s. t., on the 20th day after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 17th day of September 1947.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-8582; Filed, Sept. 19, 1947; 9:09 a. m.]

[7 CFR, Part 913]

HANDLING OF MILK IN GREATER KANSAS CITY MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904) a public hearing was held at Kansas City, Missouri, on July 21–23, 1947, pursuant to the notice thereof which was issued on July 11, 1947 (12 F. R. 4721).

Upon the basis of the evidence introduced at such hearing and the record thereof, the Acting Assistant Administrator on September 3, 1947, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER September 6, 1947 (12 F. R. 5950).

The material issues on the record related to (1) the method to be followed in reconciling the receipts and utilization of milk, (2) increasing Class I and Class II prices, (3) the method of determining the Class III prices, and (4) the butterfat differential to handlers.

No exceptions were filed to the findings, conclusions, or proposed amendments recommended in the Acting Assistant Administrator's recommended decision.

Findings and conclusions. Upon the basis of the evidence adduced at such hearing it is hereby found and concluded that:

1. *The method of reconciliation:* No change should be made in the present method of reconciling receipts and utilization of milk.

The evidence fails to substantiate the claim that the present method of reconciliation creates inequity among handlers. The record indicates that the method which was proposed at the hearing would have increased the cost of milk to certain handlers who receive high test milk, but it fails to establish that the present method is inequitable or to afford a basis for an additional charge to these handlers.

2. *Class I and Class II prices.* It was proposed that the Class I premium over

the basic price be increased from 75 cents to 90 cents during the months of April, July, and August, and to $1.20 during the months of September, October, November, December, January, February, and March. Likewise it was proposed that the Class II price be increased from 50 cents to 65 cents during the months of April, July and August, and to 90 cents during the months of September to March, both inclusive.

In support of these prices it was pointed out that there has recently been a change in the health ordinance of Kansas City, Kansas, requiring all producers to cool their milk with mechanical refrigeration. At the same time Kansas City, Missouri, while its ordinance has not been changed, has undertaken a rigid enforcement which virtually makes mechanical refrigeration mandatory.

In the past both cities required that milk either be delivered within 2 hours of milking or reach the plant at a temperature of 70 degrees or less. When the present order was made effective the milkshed was fairly compact and milk could be delivered within 2 hours of milking. Since 1942 the milkshed has been expanded greatly and the number of producers has increased from an average of 1,411 in 1942 to 2,341 in May 1947. It is no longer practicable to deliver milk within 2 hours, and the average water temperature in the milkshed is too high to permit cooling with well water. Thus milk must be cooled either with ice or with mechanical refrigeration.

The cost of cooling milk with ice appears prohibitive. It is indicated that the cost of mechanical refrigeration would not exceed 10 cents per hundredweight. This figure includes maintenance and depreciation on the cooler as well as operating expenses. The producers indicated that additional expenses would be incurred through possible increases in hauling rates, enlargement of milkhouses to accommodate coolers, and related items. It is difficult, however, to evaluate properly such items. It is probable that they would be offset by the savings of time and labor that would result from the use of mechanical refrigeration. Therefore it appears that producers should be granted an average increase of 10 cents per hundredweight to cover the costs of cooling their milk.

It is further pointed out that during recent months the price of manufactured dairy products on which the Class I and Class II prices are based have fallen rapidly in relation to feed costs and the prices of competing farm commodities such as hogs, beef and grains. The record shows that from June 1946 to June 1947 there was an increase of 47 percent in the price of beef cattle, and an increase of 67 percent in the price of hogs. During the same period the returns from milk dropped 13 percent inclusive of the subsidy which was paid in June 1946. The territory in the vicinity of Kansas City is a diversified farm area and farmers can readily shift from dairying to other livestock. Therefore it appears necessary that returns from dairying be maintained fairly close to the returns from other livestock or a serious shortage of milk might develop.

A further reason advanced in support of increased prices is the damage that was done to crops during the floods that prevailed in the Missouri Valley and its tributaries during the late spring and early summer. It appears that in some parts of the milkshed corn and other feed crops were practically destroyed and, in consequence, producers will be required to purchase more feeds than usual during the fall and winter months.

As these conditions are temporary, it does not appear that they would justify a permanent increase in the Class I and Class II premiums beyond that necessary to cover the costs of mechanical refrigeration. They do however warrant fixing the Class I and Class II prices at not less than $4.96 per hundredweight and $4.71 per hundredweight, respectively, through March 1948. These prices are 29 cents per hundredweight below the average Class I and Class II prices for the period October 1946 to March 1947.

Seasonality of production is still a problem on the market. Both producers and handlers indicate that a greater spread between spring and fall prices is necessary if a more nearly uniform production is to be attained. It appears that the increase in the Class I and Class II differentials, which is justified by the cooling requirements, should all be applied during the short months. Instead of increasing the Class I and Class II premiums from 75 cents and 50 cents to 85 cents and 60 cents, it is proposed that they be increased to 95 cents and 70 cents, respectively, for the delivery periods of September to February, inclusive, and remain unchanged for the other months. This proposed increase in fall and winter prices should encourage a further shift of production to those months.

It is proposed that no action be taken on the proposal of the handlers that the condensery pay price be dropped from the order if a marketing agreement and order program is issued to regulate the evaporated milk industry. At the present time such a program is highly speculative and it appears that consideration of the proposal should be deferred until it is determined whether a marketing agreement program will be issued for the evaporated milk industry.

3. *The Class III price.* There is insufficient evidence in the record to justify basing the Class III price on the butter-nonfat dry milk solids formula which was proposed by the producers. A comparison of the Class III price, which is based on the paying price of 3 local plants, with the prices paid by other manufacturing plants located in or close to the milkshed indicates that the general level of prices through the area is much higher than that of the plants used in determining the Class III price. While the evidence fails to justify adoption of the proposed formula, it is quite possible that had the evidence with respect to it been more complete or had some other method of pricing Class III been advanced it would have been found proper to change the method of determining the Class III price.

4. *Butterfat differential to handlers.* No change should be made in the present butterfat differential which is equal to 1/38 of the Class III price which in turn is based on the price paid for milk for manufacturing by 3 local plants. These plants, as do most other plants in the area, buy milk on a straight butterfat basis, and for each point of fat in milk above or below 3.8 percent they add or deduct 1/38 of the price paid for milk containing 3.8 percent butterfat. It appears reasonable that excess butterfat in Grade A milk should not be priced to handlers any lower than the price they are willing to pay for ungraded butterfat.

The evidence does not support the contention of handlers that the producer and handler butterfat differentials should be identical. The producer butterfat differential is based on the butter market and does not bear as direct a relationship to the price being paid for butterfat locally as does the present handler differential.

The producers proposal for a change in the butterfat differential was conditioned upon the acceptance of the Class III price formula which they proposed, and which it has been found is not supported by the evidence.

Detailed evidence was not presented with respect to the other proposals which were contained in the notice of hearing, and their proponents requested that no consideration be given them.

General findings and conclusions. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and order, as amended, and as hereby proposed to be further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which a hearing has been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Greater Kansas City Marketing Area" and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Greater Kansas City Marketing Area," which have been

decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order, amending the order as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 17th day of September 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

§ 913.0 *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73rd Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(a) The said order, as amended, and as hereby further amended,[1] and all of the terms and conditions of said order as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

Delete subparagraphs (1) and (2) of § 913.5 (a) and substitute therefor the following:

(1) *Class I milk.* The price per hundredweight of Class I milk shall be the price determined pursuant to paragraph (b) of this section plus 75 cents during the months of March, April, May, June, July and August, and plus 95 cents during the remaining months: *Provided,* That for any delivery period prior to April 1, 1948 the price shall be not less than $4.96.

(2) *Class II milk.* The price per hundredweight of Class II milk shall be the price determined pursuant to paragraph (b) of this section plus 50 cents during the months of March, April, May, June, July, and August and plus 70 cents during the remaining months: *Provided,* That for any delivery period prior to April 1, 1948, the price shall be not less than $4.71.

[F. R. Doc. 47-8579; Filed, Sept. 19, 1947; 8:51 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR, Part 941]

MILK IN CHICAGO, ILL., MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AS AMENDED, AND ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737, 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held at the Hotel Stevens, Chicago, Illinois, beginning at 10:00 a. m., c. d. t., September 24, 1947, for the purpose of receiving evidence with respect to proposed emergency amendments to the tentative marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, milk marketing area (11 F. R. 9603, 12 F. R. 5834), which would incorporate in the agreement and order provisions to assure that available supplies of milk will be used as Class I and Class II milk when required.

The following amendments have been proposed as the detailed means of accomplishing such purpose. These proposed amendments have not received the approval of the Secretary of Agriculture.

A. By the Pure Milk Association:

1. Delete § 941.1 (e) and substitute therefor:

(e) "Approved plant" means any plant, except such plant has been suspended as a pool plant pursuant to § 941.6 (e) which is approved by any health authority for the receiving of milk which may be disposed of as Class I milk, as defined in § 941.4 in the marketing area.

2. Amend § 941.6 by adding paragraph (e) as follows:

(e) *Pool plants.* Any approved plant receiving milk from producers which meets either of the requirement of subparagraph (1) of this paragraph, shall be designated as a pool plant.

(1) *Requirements.* During each of the delivery periods of August, September, October and November (i) a plant must be engaged in the processing and packaging of Class I or Class II milk, part or all of which is disposed of in the marketing area, or (ii) a plant must utilize as Class I or Class II milk, on its own premises or dispose of to a plant engaged in the processing, packaging and distribution of such milk in the marketing area as herein defined, or in the marketing area as defined in U. S. D. A. Order No. 69, as amended, not less than 20 percent of its total receipts of milk from producers as fluid milk, and not less than 90 percent of its total receipts of butterfat from producers, in fluid milk or fluid cream;

(2) *Suspension.* Any plant which fails to meet the requirements of subparagraph (1) of this paragraph shall be suspended as a pool plant during the delivery periods of February through July, inclusive, next following. Such suspension shall be effected by notice from the Market Administrator to the handler operating the plant whenever the Market Administrator finds on the basis of available information that the plant did not meet the requirements of subparagraph (1). Sections 941.1 through 941.14 shall not apply to any handler with respect to such of his milk which is received at a plant which is suspended as a pool plant during the period of the suspension.

(3) *Publication of violations.* The Market Administrator shall publicly announce (i) the ownership and location of any plant suspended pursuant to subparagraph (2) of this paragraph, and (ii) the ownership and location of the purchasing or receiving plant described in subparagraph (1) (ii) of this paragraph if such plant disposes of the fluid milk or fluid cream in bulk outside the surplus milk manufacturing area.

3. Amend § 941.6 (b) by deleting the period at the end thereof, substituting a comma in lieu thereof, and adding the words: "and that such milk was not obtained from a plant that has been suspended as a pool plant pursuant to paragraph (e) (2) of this section."

4. Make such other changes as may be necessary or helpful to effectuate the foregoing proposals.

B. By the Associated Milk Dealers, Inc.

1. Amend § 941.6 to read as follows:

§ 941.6 *Application of provisions*—(a) *Handlers who are also producers.* No provision hereof shall apply to a handler whose sole sources of supply are receipts from his own production and from other handlers, except that such handlers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) *Pool plants.* Any approved plant which meets the requirements of this section shall be designated as a pool plant until such designation is suspended pursuant to subparagraph (2) of this paragraph.

(1) *Requirements.* A pool plant must utilize as Class I or Class II milk on its own premises or dispose of such milk to a plant engaged in the distribution of Class I or Class II milk in the marketing area during the months of August, September, October and November. A pool plant may ship Class I or Class II milk to persons outside the marketing area or may utilize such milk in Classes III or IV during the months of August, September, October and November if permission is first obtained to do so from the market administrator.

The market administrator shall publish weekly, during the aforesaid months, a list of handlers seeking permission to ship Class I and Class II milk outside the marketing area or who seek permission to utilize milk as Class III or Class IV; he shall also publish weekly during the aforesaid months, a list of handlers within the marketing area who notify him that they seek to purchase Class I or Class II milk.

The market administrator may revoke at any time permission given to a handler to ship Class I or Class II milk outside the marketing area or to utilize such milk in Classes III or IV when he finds that milk in either the form of milk or cream is needed to satisfy the Class I or Class II requirement of handlers in the marketing area during the aforesaid months.

(2) Any handler who ships milk as Class I or Class II outside the marketing area or utilizes such milk in Class III or Class IV without having permission from the Market Administrator to do so, shall be suspended from the provisions of this order for the succeeding period of January thru the months of February, March, April, May and June.

Permission from the Market Administrator to utilize milk as Class III for sales in bulk to bakeries, soup companies and candy manufacturing establishments, in their capacity as such, shall not be required under this section.

2. Make such other changes, as may be necessary or helpful to effectuate the foregoing proposals.

C. By Ladysmith Milk Producers Cooperative Association et al, and by Consolidated Badger Cooperative, et al:

1. To amend § 941.6 by adding the following as paragraph (e):

(e) *Emergency period milk pricing.* The months of September, October, and November of each year shall be designated as an emergency period.

(1) *Emergency Period Milk Committee.* A committee of five persons to consist of the following:

The President and Secretary of the Associated Milk Dealers Inc., of Chicago.
The President of the Pure Milk Association;
The President of the Ice Cream Manufacturers Association of Cook County, and
The President of Central Grade A Cooperative,

is hereby designated as the Emergency Period Milk Committee, which committee shall have the following powers:

(i) To investigate the conditions of supply available for the Chicago marketing area, and in pursuance of this function shall be entitled to call upon the services of the Market Administrator to furnish current data to aid in its various determinations.

(ii) To recommend the effective date within the limits of the emergency period for the commencement of the emergency powers of the Market Administrator and the emergency prices provided for herein, by reason of their determination that a shortage condition on the market is imminent.

(iii) To recommend to the Market Administrator the effective date for the termination of the emergency powers and the emergency prices recommended herein, by reason of their determination that an adequate supply of milk appears to be available.

(2) *Duties of the Market Administrator.* (i) The Market Administrator may invoke and make effective the emergency powers and the emergency prices provided for herein only upon the formal recommendation of the committee.

(ii) The Market Administrator shall terminate the emergency powers and the emergency prices established hereunder upon the recommendation of the Committee; and may terminate the emergency powers and the emergency prices upon independent findings of his own office that an adequate supply of milk is, or appears to be, available.

(3) *Requirements; during each of the delivery periods.* From and after the announcement by the Market Administrator of the effective date of the emergency prices, a plant shall be required to utilize not less than 90% of its total receipts of butterfat from producers, exclusive of its shrinkage allowance, in the form of fluid milk or fluid cream sold and/or utilized as Class I milk or Class II milk in the marketing area as defined herein: *Provided,* That:

(i) In the event a plant disposes of milk or cream for fluid use either directly or through another handler as Class I milk or Class II milk for sale or utilization outside the marketing area as defined herein, such sales shall be classed as out-of-area sales; and

(ii) In the event a plant disposes or utilizes milk or cream as Class III or Class IV during this emergency period, such sales or utilization shall be classed as "emergency manufacturing"; and

(iii) In the event the total utilization in (*a*) out-of-area sales, and (*b*) emergency manufacturing, is in excess of 10% of total butterfat receipts from producers, exclusive of shrinkage, such reported excess utilization shall be priced by the addition of the following premiums to the class prices established by § 941.5 for the applicable delivery period:

	Cents per cwt.
Class I	40
Class II	30
Class III	20
Class IV	20

2. To amend such other terms and provisions as may be necessary for purposes of administration to conform such sections and provisions with the proposal contained herein.

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, now in effect, may be procured from the market administrator, 1425 Field Building, 135 South LaSalle Street, Chicago, Illinois, or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 1844, South Building, Washington, D. C., or may be there inspected.

Dated: September 17, 1947.

[SEAL] DAVE DAVIDSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-8585; Filed, Sept. 19, 1947; 8:48 a. m.]

[7 CFR, Part 969]

HANDLING OF MILK IN SUBURBAN CHICAGO, ILLINOIS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904) a public hearing was held at Chicago, Illinois, on March 3–5, 1947, inclusive, pursuant to the notice thereof which was published in the FEDERAL REGISTER on February 27, 1947 (12 F. R. 1398), upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, the Acting Assistant Administrator, Productive and Marketing Administration, on July 22, 1947, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER July 25, 1947 (12 F. R. 4964).

The material issues presented on the record of the hearing were whether:

1. The definition of "marketing area" should be revised for the purpose of dividing it into two areas each to be covered by a separate milk marketing order.

2. Provisions should be included for the purposes of (i) redefining Grade A and Grade B milk, and (ii) establishing a method of classifying and pricing Grade A milk separately from Grade B milk when both types of milk are received in the same plant.

3. Flavored milk, flavored milk drinks, and buttermilk should be reclassified from Class I milk to Class II milk.

4. The maximum amount of plant shrinkage allowed as Class IV milk should be increased.

5. The price structure for Class I milk and Class II milk should be revised as to level and seasonality.

6. A change should be made in the method of determining the prices to be paid for Class I milk disposed of in markets outside the marketing area.

7. A Class V milk definition and a price provision for such class of milk should be included.

8. The basic formula price provisions should be revised.

9. The butterfat differential applicable to producer milk testing above or below 3.5 percent of butterfat should be revised.

10. Several revisions of language should be made to obtain further clarity and to simplify administrative problems with respect to:

(i) The determination of tests of chocolate milk drinks;

(ii) Precision of language in the allocation treatment of skim milk from emergency and other outside sources;

(iii) Classification of butterfat remaining in skim milk separated;

(iv) Assessments for expenses of administration; and

(v) Assessments for marketing services.

Rulings on exceptions. No exceptions were filed to the findings, conclusions and amendment action recommended in the Acting Assistant Administrator's recommended decision with respect to issues numbered 1, 9, and 10. The findings, conclusions and amendment action so recommended have been adopted in this decision without substantive change.

Exceptions were filed by the following parties to the findings, conclusions and amendment action recommended by the Acting Assistant Administrator with respect to certain issues, as follows:

1. Lake County Milk Dealers' Association, Inc.—Issues 2, 3, 4, 5, 7 and 8.

2. Committee for 69 handlers—Issues 2, 3, 5, 6 and 8.

In arriving at the findings, conclusions and amendment action decided upon in this decision each of these exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. The findings, conclusions and amendment action recommended by the Assistant Administrator with respect to issues 5 and 6, have been adopted herein without change and the exceptions with respect thereto are overruled. To the extent that the findings, conclusions and amendment action decided upon herein with respect to the remaining issues are at variance with the exceptions pertaining thereto, such exceptions are overruled.

It was contended with respect to the actions recommended by the Acting Assistant Administrator that the subject matter in the findings and conclusions listed under 8 (iii) was not proposed by the hearing notice and that it was not supported by a proposal in the record. The action recommended by the Acting Assistant Administrator and adopted herein is within the reasonable scope of the class price issues raised by the hearing notice and discussed on the record. These exceptions are overruled.

Findings and conclusions. (1) The definition of the marketing area should not be changed.

A proposal was made that a separate order be established for the "Calumet area." This area includes the townships of Calumet, North, and Hobart in Lake County, Indiana, and is included presently in the marketing area under Order 69. It was proposed that a separate order for the Calumet area should contain substantially the same provisions as Order 69 with certain modifications in the classification and pricing provisions. In support of this proposal it was pointed out, by comparison of employment statistics 1937–1946, that the Calumet area did not have the large increase in employment during this period such as occurred in Chicago, and that the Calumet area is devoted entirely to heavy industry as compared with more diverse sources of income elsewhere and therefore has a less stable economy than "other areas." It was claimed also that a decline in "take-home pay" had been felt more strongly in the Calumet area. Other points presented for a separate area include a decline in sales of chocolate milk and buttermilk, alleged problems concerning the separate classification and pricing of Grade A and Grade B milk, and problems involving the handling of surplus milk during the flush season.

Testimony by handlers not in the Calumet area showed that these same problems and conditions exist in other parts of the area regulated by Order 69. No statistics were presented to show any employment differences between the Calumet area and other areas under Order 69. A comparison of employment indexes, relied upon by the proponents, show that the variation between the yearly indexes of high and low employment was over 80 percent in metropolitan Chicago as compared with only 50 percent in Gary—one of the larger cities in the Calumet area. Thus, on the basis of these figures employment in the Calumet area was even more stable than in the Chicago metropolitan area during the period cited.

Under the individual handler type of pool provided by Order 69, the Calumet handlers are not affected by operations of handlers located in other parts of the marketing area through pool equalization. Any advantages which might accrue from a separate order could only be derived through differences in classification and pricing.

The Calumet area falls within the 70-mile zone of Order 41, regulating the handling of milk in the Chicago marketing area. Producers supplying the Calumet area are intermingled with producers supplying Order 69 and Order 41 handlers. The general economic conditions affecting the production and movement of milk in all of these areas are very similar. There is also a considerable intermingling of routes and sales outlets of handlers under regulation in these areas. Because of these common factors affecting the production and marketing of milk, the classification and pricing of milk must be kept closely in line throughout the entire area, taking into account, of course, differences in the quality of milk required.

In view of these facts and of the conclusions reached with respect to other changes desired by handlers of the Calumet area there appears to be no justification for establishing a separate order for this area.

(2) Provision should be made to classify and price Grade A and Grade B milk separately when handled in the same building or plant.

Proposals were made for redefining Grade A and Grade B milk and for separate pricing of such milk when received in the same plant. These proposals were made upon the expectation that Grade A ordinances will become effective in certain municipalities in a manner which will permit handlers to process both Grade A and Grade B milk in the same building or plant. It was stated in the Assistant Administrator's decision, that there is no immediate problem of separate classification and pricing of Grade A and Grade B and that the evidence failed to furnish an explicit plan for coping with the problem, if and when it arises.

However, handlers' exceptions reemphasized the need at this time for a provision permitting separate pricing of Grade A and Grade B milk handled in a single plant. And the evidence does indicate that in certain municipalities the health authorities may permit the handling of both Grade A and Grade B milk in the same plant. Exceptions also stressed the point that health authorities would obviously sharply differentiate between the two kinds of milk and could report to the market administrator the producers of Grade A and of Grade B milk. Under such circumstances it appears feasible to provide for dual pricing of producers milk in such a composite plant.

Moreover, such provision appears to be necessary at this time in order to avoid the probability of serious inequity to operators of such plants and to their producers. Under the current order a handler, who is now engaged exclusively in handling Grade B milk and who may soon be required to supply Grade A milk in a municipality adopting a Grade A ordinance, is required to classify all of his receipts as Grade A milk. Both Grade A and Grade B milk producers would receive the same uniform price. This would retard the shift of producers from Grade B to Grade A milk production. Also such a handler might find difficulty in continuing the handling of Grade B milk because he would be at a comparative disadvantage in selling Grade B milk in Grade B territory where

he is in competition with strictly Grade B handlers.

Therefore, on grounds of equity among handlers and producers, provision is made to classify and to price separately Grade A and Grade B milk handled in the same plant. To accomplish this it is not necessary to redefine Grade A and Grade B milk. It is provided simply by amplifying the section directing how to apply the classification and pricing provisions of the order to certain types of handling operations. The provision is expanded to cover plants operating under a public health agency specifically authorizing the handling of both grades of milk and designating the producers whose milk qualifies for Grade A. The classification of Grade A and Grade B milk at such a composite plant is determined in either one of two ways. In a plant with insufficient physical segregation, or insufficient records thereof, for separate classification the two grades are prorated among the several classes on the basis of the respective volumes of the two grades. If a handler has adequate records and segregates the two kinds of milk, he may establish his actual utilization of the two grades separately.

So as to make it possible to allocate the classification of milk at a composite plant to Grade A and Grade B milk, it is necessary to classify all producer milk at such a plant before such allocation may be made. Therefore, the milk at such a plant must be classified and allocated separately from that of other plants of a handler, although all his other Grade A plants and all his other Grade B plants will continue to be combined for classification purposes. In computing the handler's Grade A uniform price, the Grade A milk in each class at such a plant will be combined with Grade A milk in that class as computed for all other Grade A plants of the handler. The same procedure is to be followed in arriving at a handler's uniform price for Grade B milk.

(3) Flavored milk, flavored milk drinks, and buttermilk should not be reclassified from Class I milk to Class II milk.

The classification of these products was changed from Class I milk to Class II milk by an amendment to the order effective October 1, 1946. In support of the proposal to change the classification of these products from Class I milk to Class II milk it was claimed (i) that sales of these items decreased during the 4 months following reclassification to Class I milk as compared with the same period in 1945 and, if continued, producers' returns might thereby be reduced and (ii) the order has "for all practical purposes" made these products "nonprofit items" and there is no longer any incentive for handlers to increase their sales.

Flavored milk, flavored milk drinks and buttermilk are disposed of in fluid form through the same retail and wholesale channels as bottled fluid milk and are used principally as a beverage. The physical characteristics, purposes, values, and uses of these items are more nearly similar to those of fluid milk than of items covered by the definition of Class II milk.

It was not shown that the decrease in sales following the amendment of October 1, 1946, was due to the reclassification of these products. The downward trend in sales had already started prior to reclassification. A general retail price increase took place during the same period. Factors other than raw material costs contributed to the decrease in sales. Under the circumstances shown, a decrease in sales of these products is not in itself an adequate reason for the reclassification proposed.

(4) The plant shrinkage provisions (§ 969.5 (b) (4) (iii) and § 969.4 (e) (6) (vi)) should be revised only with respect to shrinkage on transfers of milk to plants of nonhandlers by deleting the references to such plants.

Proposals made were designed to (i) increase the over-all plant shrinkage allowance in Class IV milk and (ii) alter the application of the plant shrinkage provisions to milk transferred to nonhandler plants. It was proposed that the shrinkage allowance on total butterfat received, at the plant of a handler, which is not disposed of to another handler in the form of bulk fluid milk, bulk fluid skim milk, or bulk fluid cream be increased from 1½ to 2½ percent. This allowance would be in addition to the ½ percent allowance under the present order on butterfat in milk received directly from producers. A second proposal would revise language with respect to transfers of milk from handlers' plants to nonhandlers' plants to allow shrinkage in Class IV milk on such transfers.

In support of the first proposal for an increase in shrinkage allowance it was claimed that many handlers had experienced butterfat losses in excess of the 2 percent maximum Class IV shrinkage allowance permitted under the present order and the figure 2.44 percent was indicated as the average shrinkage experience of the market based on the 12 month period from July 1945, through June 1946.

Analysis of the figure 2.44 percent discloses that it represents total butterfat loss for the period July 1945, through June 1946, including that portion of loss which was classified as Class I milk because it exceeded the maximum shrinkage allowance of 2 percent in Class IV milk. Shrinkage on Grade A milk actually classified in Class IV milk during this period amounted to 1.4 percent of total receipts, and if placed against only producer receipts, the shrinkage amounts to 1.66 percent. For the same period shrinkage on Grade B milk classified in Class IV milk was 1.2 percent of total receipts and 1.58 percent when placed against only the receipts from producers. These data indicate that a substantial proportion of the milk is handled with a shrinkage well below the maximum amount allowed in Class IV milk under the present order.

Furthermore, any such increase as proposed would enhance the possibility of inequities among handlers and would be conducive to less efficient handling of milk. Exception was taken to this finding on the assumption that the reported "shrinkage" represents only milk lost in processing. The shrinkage figures set forth above reflect more than butterfat lost in processing in a physical sense. They include milk not accounted for by classes, discrepancies in butterfat testing, butterfat in skim milk, and unreported sales. An increase in the shrinkage allowance would enhance the possibilities of not accounting for all milk that should be accounted for, and would thus increase the possibilities for inequities to arise among handlers.

In view of the foregoing, an increase in maximum shrinkage allowance in Class IV milk is not warranted.

In support of the second proposal, it was pointed out that in many instances handlers make sales to nonhandlers' plants. These sales to nonhandlers are not segregated in all instances from other route sales. To simplify the accounting for the shrinkage with respect to milk moved to nonhandlers' plants, the second proposal should be adopted.

(5) The price differentials above the basic price for Class I and Class II milk should be revised to provide for (i) wider seasonal variation in uniform prices to be paid producers and (ii) an increase in the average level of price differentials above the basic price for Class I and Class II milk.

Under the present pricing provision of the order the Grade A Class I differential is 70 cents per hundredweight of milk except during May and June when it is 50 cents. The Grade A Class II differential is 32 cents. Class I and II differentials for Grade B milk are 10 cents per hundredweight less than those for Grade A milk. During the war years and until 1947, the seasonal decline in the Class I differential for May and June was suspended.

Two proposals were made to change the differentials for Class I and Class II milk. The first proposal provided for an increase in the average level of such differentials and a substantial increase in their seasonal variation. Those objectives would be accomplished by increasing the Class I and Class II differentials during August, September, October, and November in both Grade A and Grade B milk. This proposal did not contemplate any change in the present 10 cent difference between Grade A and Grade B milk for either Class I or Class II uses.

The second proposal favored a decline of 25 cents in the Class I price differential for Grade A milk in the month of April and a decrease of 5 cents in such differential for May and June. It favored also a decrease in the Class I price differential for Grade B milk of 10 cents in all months except April, May, and June and decreases of 35 cents in April and 15 cents in May and June. Under this schedule a spread of 20 cents between the Class I prices of Grade A and Grade B milk would prevail. A similar spread of 20 cents on Grade A and Grade B Class II milk would be accomplished by decreasing the Grade B price differential by 10 cents.

Handlers located in the Calumet area favored the so-called "Louisville plan" of accomplishing seasonal prices to producers. Under this plan the seasonality in prices to producers would not be accomplished by changing present class

price differentials, but by deducting certain amounts from the producers' uniform prices during the flush months of production and adding such deductions back during the months of short production.

The seasonal pattern of production is significantly different from the pattern of demand for Class I and Class II milk and during recent years the problems associated with these differences have become more acute than formerly.

In recent years producers supplying milk to handlers shipped on the average approximately 50 percent more milk during the flush months of May and June than they did during the short months of October and November. Data were presented which show that in 1939 the highest monthly production was approximately 30 percent above the lowest monthly production; whereas in 1946 the highest monthly production was approximately 53 percent above the lowest monthly production. In contrast, the monthly sales of Class I milk were relatively uniform. The daily utilization of Class I milk in the high production month in 1946 was less than one percent lower than in the short production month and in 1945 approximately 5 percent higher. The Class II utilization is less uniform than Class I utilization but is usually much more uniform than the production of milk.

During the fall months of 1945 and 1946 the total volume of Grade A and Grade B milk in excess of Class I and Class II uses averaged less than 1 percent of total market receipts of such milk. Supplementary milk was brought in by handlers to meet deficiencies of regular supplies of milk for Class I purposes. The amount of supplementary milk varied seasonally with the largest quantities being used during the fall months and the smallest quantities being used during the months of flush production. Even greater quantities of supplementary milk were brought in for Class II purposes with a pronounced seasonal patter.

Proponents of the second proposal advocated that a greater seasonal variation in pricing should be achieved by lowering the price during the flush production period without increasing the present price differential during the short production season. While a lower price differential in the spring months might reduce the production of milk during such months it does not follow that fall production would thereby become sufficiently increased without some increase in the fall price differentials. They argued also that the fall differentials should not be increased because it would result in increased prices to consumers and that any increase in price to consumers would result in a loss of sales.

But, during most months of the year handlers do not receive adequate supplies of milk from producers to meet their Class I and Class II milk requirements. During every month from September 1944, when Order 69 became effective, through December 1946, milk from sources other than producers and other handlers was obtained by handlers to supplement their usual sources of supply. Substantial quantities of this supplementary milk were needed for Class I milk uses. The number of producers supplying the Suburban market has decreased since December 1944, and early 1945. Actual deficiencies occurred during every month which were off-set through the acquisition of supplies from supplementary sources. Adverse weather and crop conditions could easily place the market in a serious position of milk shortage especially during fall months. Also, the Chicago market, which in the past has been a regular source of emergency supply for many Suburban Chicago handlers, is itself short of milk supplies particularly during the fall months when the need for emergency milk in the Suburban Chicago market is greatest.

Practically all costs incurred by producers in the production of milk such as feed, supplies, labor, and equipment have increased during the past year. Prevailing prices for hogs, beef cattle, and other alternative enterprises open to most producers are at relatively high levels.

Present class differentials above the basic or manufacturing level of milk prices do not result in producer prices that fully reflect the competitive and other economic conditions affecting the supply of and demand for milk in the marketing area. The Class I and Class II price differentials over the basic formula price as set forth below together with the Class II and modified Class IV prices will result in such prices as will reflect the price of feeds and available supplies of feeds and other economic conditions which affect market supply and demand for milk or its products in the marketing area, insure a sufficient quantity of pure and wholesome milk and be in the public interest. Class I and Class II price differentials should be as follows:

[Amount per hundredweight]

Period	Class I		Class II	
	Grade A	Grade B	Grade A	Grade B
May and June	$0.50	$0.40	$0.30	$0.20
August, September, October, and November	.90	.80	.50	.40
All other months	.70	.60	.40	.30

The above schedule of prices substantially increases the seasonal variation of price differentials and may be expected to establish a better relationship between the supply of and demand for milk. It establishes larger and more definite incentives for producers to shift some of their milk production from spring to fall. It may also be expected to attract the new supplies needed to make a more even production for the market than now prevails.

In establishing the differentials set forth above, consideration has also been given to the need for maintaining a proper alignment of class prices between the Chicago market and the Suburban Chicago market. Producers supplying Order 69 handlers and producers supplying Order 41 handlers are intermingled. Many of these producers are located in the same milk shed. It is therefore important that any action taken with respect to prices in both orders be coordinated. Divergent action could very easily disrupt the sources of supplies of many handlers under both orders. Similar seasonal variation in differentials has been decided as the most practical method of obtaining seasonal variation in prices to producers under Order 41.

The evidence supporting a change in the relationship between the Grade A milk and Grade B milk price differentials was not conclusive and no change should be made. Such data as are available in the record indicate that there has been no significant shift of producers from Grade A handlers to Grade B handlers or vice versa. Furthermore, handlers of both Grade A milk and Grade B milk have been confronted with insufficient supplies of milk from their producers during much of the time that Order 69 has been in effect.

It is estimated that the increased differentials on Class I and Class II milk together with the reduction in the Class IV price will result in an average increase in the uniform price to producers of approximately 4 to 6 cents per hundredweight over the basic price.

(6) The method of pricing Class I milk disposed of in markets outside the Suburban Chicago, Illinois, marketing area should not be changed.

It was proposed that the price of Class I milk disposed of in any market outside the marketing area should be the "price as ascertained by the market administrator which is being paid for milk of equal grade and of equivalent use in the market where such milk is disposed of."

Milk produced primarily for the Suburban Chicago marketing area is sold also in several markets outside such marketing area. Some of this milk is sold under resale price levels lower than those in the marketing area. The prices effective under the Suburban Chicago order should be such as to induce supplies adequate to meet the demands of the marketing area but not necessarily to fulfill the requirements of outside markets at prices different from the price established on the basis of the hearing for the marketing area. The Suburban-Chicago market does not have excessive supplies of milk except for a certain amount of seasonal surplus, which is not uncommon to the market. In fact a shortage of milk for the marketing area exists. Under such conditions Suburban Chicago milk sold in outside markets should return to producers at least the prices prevailing in the marketing area.

Moreover, prices paid by individual distributors within a single outside market often vary greatly and the standards and method by which the market administrator would ascertain the price being paid in the outside market for milk of equivalent use were not outlined. From the administrative viewpoint, it is considered undesirable and impracticable for the market administrator to determine outside market price levels in such circumstances.

(7) A Class V milk definition and a price provision for such class of milk should not be included.

A proposal was made to establish an additional class to be known as Class V milk. It would cover all milk received by a handler in excess of his "actual and complete requirements" when, upon 24 hours' notice prior to its receipt by the handler the Pure Milk Association failed to accept delivery or the market administrator failed to locate a purchaser. Such Class V milk would be priced at 20 cents less than the net "actual" price received by the handler f. o. b. his plant. The principal supporting reason offered was that the handlers suffer losses when handling surplus milk. Losses thereon were claimed during the past year on the basis that the Class IV price (the lowest-valued class under the present order) was higher than the price realized by handlers in selling such milk.

As previously stated, under the proposal the Class V price would take whatever price the handler and any buyer of such milk might agree upon, less 20 cents per hundredweight. Such a pricing arrangement could in fact result in any sort of price in disregard of the provisions and declared purposes of the act. It could stimulate the development of a constant surplus in the hands of some handlers at the expense of producers and other handlers. Furthermore no economic justification was shown under which handlers should be guaranteed against monetary loss on surplus milk received. The amount of milk used in the manufacturing classes, namely Class III and Class IV, has been a negligible percentage of the quantity of milk received from producers. The proposal, if adopted, would reduce the incentive for handlers to transfer producers or dispose of any excess milk to other handlers who might need it for Class I milk or Class II milk.

The present Class IV milk definition adequately covers those manufacturing uses for milk which are considered generally as the lowest-valued of all uses. Therefore, there would seem to be no point in including in the order a definition for Class V milk. (See also conclusion (8)).

(8) The basic formula price provisions should be revised.

(i) In the order currently in effect, the basic formula price is the highest price computed from 3 manufacturing milk price formulas based respectively on the "paying" prices of several evaporated milk concerns, open market prices of butter and cheese, and open market prices of butter and nonfat dry milk solids for the current delivery period.

Two proposals were made to reduce the butter and nonfat dry milk solids formula price (Class IV price) in amounts of approximately 5 and 10 cents per hundredweight, respectively. Another proposal supplemented the present Class IV milk definition by adding a Class V definition designed to effect a reduction in price for surplus milk under certain conditions (See conclusion (7)).

It was contended that losses were being encountered by handlers who have no facilities for processing Class IV milk, and in support of a Class V milk classification a handling allowance was requested to cover alleged losses of handling surplus milk. Temporary surpluses of milk occur in some plants not having sufficient manufacturing facilities to utilize such milk in the plant and in such instance surplus milk must be disposed of by transferring to a manufacturing plant. In recognition of this condition, some modification of the Class IV price formula seem appropriate. Conditions surrounding the production and disposition of milk in the Chicago and Suburban Chicago areas are very similar. The evidence indicated a necessity for keeping a close alignment of prices in the two markets.

Therefore, it is determined that the Class IV price in Order 69 should be as follows: The present Class IV formula price provisions should remain unchanged, except that during the months of March, April, May, and June they should be modified to the extent of changing the present 5 cent operating allowance on nonfat dry milk solids to 6 cents when f. o. b. country plant prices are used and changing the present 6 cent allowance to 7 cents when Chicago delivered prices of such solids are used.

The change in the Class IV formula price effects a reduction of 7.5 cents per hundredweight of Class IV milk during the 4 months of the year when surplus is of significance in some plants. The change will coincide with and implement to a degree the seasonal price structure adopted elsewhere in this decision. An identical change in Order 41 recently became effective.

(ii) Two proposals were made to expand the present list of condenseries set forth in § 969.5 (a) (1). One proposal would add the names and locations of 5 plants; the other would add the names and locations of 12 more plants.

The reasonableness or propriety of the list of 18 plants now included in the order was not strenuously or convincingly challenged. The proponents did not show that an improvement in the formula as an index of evaported milk plant prices would result from the inclusion of the 5 Illinois plants. Appraisal of the testimony leads to the conclusion that the single action of adding the 5 Illinois plants would do little to improve the present Class III formula and that there are a number of factors involved which should be considered before any revision of this formula is made.

The record does not disclose the effects which the 12 other plants suggested would have upon the present Class III price and there is practically no information in the record concerning their operations as to whether they are primarily manufacturing plants. The evidence is not sufficient to support the inclusion of the 12 latter plants. It is concluded that the suggested revisions of the list not be made until there is an opportunity to make a more complete analysis of the effect of these or similar changes.

(iii) Under the present order, class prices are not known until approximately the 5th day after the end of the delivery period during which the milk is received. While no specific proposal was made to change the application of the basic price formula in determining the Class I and Class II prices, it was shown that there is a need for similarity in the price structures of Orders 41 and 69. It has been found, in connection with recent amendments to Order 41, that Class I and Class II milk prices should be based on the higher of the Class III or Class IV milk prices for the preceding delivery period. Orderly marketing of fluid milk and fluid cream should be encouraged by paralleling as nearly as possible the methods of determining the Class I and Class II prices in the two orders. For these reasons it is concluded that such class prices be based upon the manufacturing milk formula prices for the next preceding delivery period instead of the current delivery period with the condition that the basic formula price effective for July shall not be less than that for the preceding month of June, and in recognition of exceptions made, the basic formula price for December shall not be higher than for the preceding November. The latter conditions are considered necessary to assure the proper seasonal trend of prices.

(9) The proposed 4-cent handler butterfat differential applicable to fluid milk sold as Class I milk testing above or below 3.5 percent of butterfat should not be adopted.

This proposal would have the effect of placing a price on butterfat which is in excess of 3.5 percent in fluid milk sold as Class I milk of 4 cents per point. This is substantially lower than the current price of butterfat for any use including butter, the lowest-valued use under the order. Under the proposal the butterfat in excess of 3.5 percent disposed of in Class I fluid milk would be subsidized at the expense of the handler's uniform price. No adequate reasons have been presented to show why these results should prevail.

(10) Several revisions of language should be made to obtain further clarity and to simplify administrative problems.

(i) In determining the butterfat test of flavored milk and flavored milk drinks the average fat test of these products, including the fat test of chocolate ingredients, should be used as their butterfat test in all cases where a handler's production records do not show the amount of butterfat going into the product. (§ 969.4 (c) (3) (ii))

The order now provides that in determining the pounds of butterfat in flavored milk and flavored milk drinks the weight of these products is multiplied by their average butterfat test. It has been contended in some instances that a variation exists between the total fat test of the finished product and the butterfat test thereof. A representative study by the market administrator showed that the difference between the butterfat test of the milk ingredients and the total fat test of the finished product was insignificant. The procedure presently being followed by the market administrator is to use the total fat test of flavored drinks as their butterfat test in the absence of adequate records showing a different butterfat test. The proposal will specifically spell out this method in the order. Where handlers' records show the amount of butterfat going into these products, such records have been accepted and will continue to be accepted under the proposal.

(ii) A method for eliminating skim milk received as "emergency milk" or "other source milk" from Class I milk should be specified in connection with the allocation of milk classified.

In the allocation of milk classified under the order provision is made for the subtraction of emergency milk and other source milk from a handler's over-all utilization. The current provisions of the order provide for the allocation of butterfat only and the precise method to be followed in allocating skim milk in emergency milk and other source milk is not outlined. Because the order is not clear with reference to the appropriate allocation of fluid skim milk received from outside sources, administrative interpretation in this respect has been necessary.

Emergency milk and other source milk are received by handlers at times in the form of fluid skim milk. Occasionally Class I milk pounds exceed net producer receipts (plus overrun) because purchases of skim milk from outside sources are added to producer milk to fulfill the Class I milk needs of the handler. When this occurs it is often found that all butterfat received in producer milk is utilized in Class I milk and in other instances some butterfat from producer milk will be utilized in Class II, Class III or Class IV milk. In the latter circumstances some skim milk is carried into the lower use classes along with the butterfat so utilized and such skim milk is therefore not available for Class I milk.

In order to give a reasonable allocation to outside purchases of skim milk it is concluded that an adjustment to Class I milk representing the amount of milk brought in from outside be allowed in those cases where either utilization of Class I milk, or the combined utilization of Class I milk plus the 18 percent cream equivalent of butterfat from producer milk used in other classes, is greater than the amount of milk received from producers plus overrun. Since Class II milk accounts for the bulk of the butterfat contained in Class II, Class III and Class IV milk, with the greatest portion of Class II milk sales being at approximately 18 percent butterfat content, it is decided that the 18 percent cream equivalent of butterfat in producer milk be used in the latter type of adjustment. The Class I milk pounds so adjusted would be used in the computation of the handler's total obligation to producers. This method of allocation adopts the administrative practice which has been in effect in such instances.

(iii) A butterfat allowance of .06 percent should be provided to handlers who are not able to show specific tests as to butterfat content of skim milk.

There has been an administrative problem with respect to the determination of the butterfat contained in skim milk. Some handlers do not have testing equipment adequate to ascertain with reasonable accuracy the butterfat content remaining in skim milk after separation. Handlers with adequate records have been permitted to claim butterfat in skim milk. A study by the market administrator indicates an average butterfat content of approximately .06 percent for skim milk used by handlers in manufacturing milk products. It appears that .06 percent is a reasonable factor for use in the absence of adequate tests or records. Butterfat in skim milk may be a substantial factor in the shrinkage experienced by a plant engaged primarily in receiving and separating milk and shipping cream to the marketing area.

The adoption of a specific butterfat test in skim milk would relieve an administrative problem and would tend to bring about a greater degree of equity among handlers in determining the butterfat content of skim milk.

(iv) The section providing for an assessment on handlers covering administrative expenses should be revised to provide that changes in the administrative assessment rate below the maximum fixed in such section shall be determined by the Secretary rather than by the market administrator subject to review by the Secretary.

Procedure for making changes in such rates will be less complicated if such rate-making is a direct function of the Secretary rather than a review function. This revision will simplify the establishment of appropriate rates of assessment at any time the assessment rate should be changed.

(v) The section providing for the marketing services deductions should be revised to provide that changes in the rate of marketing services deductions below the rate specified in such section shall be determined by the Secretary rather than by the market administrator subject to review by the Secretary.

The fixing of the rate of marketing services deductions by the Secretary (who now reviews the rate established by the market administrator) will simplify the procedure for establishing such rate of assessment below that specified in the order when a change in the rate is necessary.

(11) *General findings and conclusions.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and order, as amended and hereby proposed to be further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which the hearing has been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Suburban Chicago, Illinois, Marketing Area" and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Suburban Chicago, Illinois, Marketing Area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order, amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 17th day of September 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

§ 969.0 *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "Act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 4904), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Suburban Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(a) The said order, as amended, and as hereby further amended,[1] and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(c) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Suburban Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 969.4 (e) (3) (ii) and substitute therefor the following:

(ii) Multiply each of the resulting amounts by its average butterfat test (in the case of flavored milk and flavored milk drinks the test to be used shall be the average fat test of the finished product if the handler's production records do not show the amount of butterfat contained therein); and add the results so obtained.

2. Redesignate § 969.4 (f) (6) as § 969.4 (f) (7).

3. Add the following as § 969.4 (f) (6):

(6) If after making the applicable deductions pursuant to subparagraphs (1) to (5) of this paragraph, inclusive, (i) the amount of Class I milk is greater than the amount of milk received from producers plus the 3.5 percent milk equivalent of butterfat overrun, if any, and none of the butterfat received from producers has been allocated to Class II milk, Class III milk, or Class IV milk, the amount of Class I milk allocated to producers shall be equal to the amount of milk received from producers plus the 3.5 percent milk equivalent of the butterfat overrun, or (ii) the amount of Class I milk plus the 18 percent cream equivalent of the butterfat in the remaining Class II milk, Class III milk, and Class IV milk is greater than the amount of milk received from producers plus the 3.5 percent milk equivalent of butterfat overrun, if any, the difference shall be subtracted from the amount of Class I milk. In either case the adjusted volume of Class I milk shall be used in the computation of the handler's obligation to producers.

4. Delete from § 969.4 (b) (4) (iii) the words "or to a plant not meeting such description."

5. Delete from § 969.4 (e) (6) (vi) the words "or to plants not described in § 969.1 (f)."

6. Delete paragraphs (a) and (b) of § 969.5 and substitute therefor the following:

(a) *Basic formula price.* The basic formula price to be used in computing the prices of Class I milk and Class II milk for each delivery period shall be the higher of the prices for Class III milk and Class IV milk as computed by the market administrator pursuant to subparagraphs (3) and (4) of paragraph (b) of this section for the delivery period next preceding: *Provided,* That the basic formula price effective for July shall not be less than that effective for the preceding month, and that such price effective for December shall not be higher than for the preceding month.

(b) *Class prices.* Subject to the appropriate location adjustment credit set forth in paragraph (c) of this section, each handler, at the time and in the manner set forth in § 969.8, shall pay per hundredweight of milk purchased or received during each delivery period from producers or from cooperative associations, not less than the prices set forth below in this paragraph, f. o. b. his plant or station from which Class I milk is distributed in the marketing area.

(1) *Class I milk.* (i) The price for Grade A Class I milk shall be the basic formula price plus the following amount for the delivery period indicated: May and June, $0.50; August, September, October, and November, $0.90; all others, $0.70; and (ii) the price for Grade B Class I milk shall be the price for Grade A Class I milk less 10 cents.

(2) *Class II milk.* (i) The price for Grade A Class II milk shall be the basic formula price plus the following amount for the delivery period indicated: May and June, $0.30; August, September, October and November, $0.50; all others, $0.40; and (ii) the price for Grade B Class II milk shall be the price for Grade A Class II milk less 10 cents.

(3) *Class III milk.* The price for Class III milk shall be the highest of the prices resulting from the respective formulas set forth in (i) and (ii) of this subparagraph and in subparagraph (4) of this paragraph.

(i) The average of the prices per hundredweight reported to have been paid, or to be paid, for such delivery period to farmers for milk containing 3.5 percent butterfat delivered during such delivery period at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator:

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Osconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(ii) The price per hundredweight computed from the following formula:

(*a*) Multiply the average wholesale price per pound of 92-score butter at Chicago for the delivery period as reported by the United States Department of Agriculture, by 6;

(*b*) Add 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided,* That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this formula;

(*c*) Divide by 7;

(*d*) Add 30 percent thereof; and

(*e*) Multiply by 3.5.

(4) *Class IV milk.* The price for Class IV milk shall be that computed from the following formula: Multiply by 3.5 the arithmetical average of daily wholesale prices per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period, add 20 percent thereof, and add to, or subtract from, such sum 3¾ cents for each full ½ cent that the arithmetical average of carlot prices per pound of nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. Chicago area manufacturing plants, as reported by such agency during the delivery period, is respectively above or below 5 cents: *Provided,* That for the delivery periods of March, April, May and June "6 cents" shall be substituted for "5 cents" in such computation: *And provided further,* That if such f. o. b. manufacturing plant prices of nonfat dry milk solids are not reported there shall be used for the purpose of such computation the arithmetical average of the carlot prices of nonfat dry milk solids delivered at Chicago, Illinois, as reported weekly by such agency during the delivery period; and in the latter event the respective amounts "5 cents" and "6 cents" shall be increased by one cent.

7. Delete § 969.6 (b) and substitute therefor the following:

(b) *Uniform prices for both Grade A and Grade B milk.* (1) Subject to subparagraphs (2) and (3) of this paragraph, Grade A milk and Grade B milk received from producers at a handler's plant(s) shall be separately classified and valued, and a separate uniform price shall be computed for each such grade of milk.

(2) All milk received from producers at a plant from which any Grade A milk is disposed of shall be deemed to be Grade A milk unless such milk is identified and handled in accordance with the conditions set forth in subparagraph (3) of this paragraph.

(3) In the case of milk received from producers at a plant which a public health authority has approved for receiving, processing, and distributing both Grade A and Grade B milk and the Grade A milk is received from producers specifically designated by the health authority as qualified to produce such milk, the market administrator shall de-

termine the classification of Grade A and Grade B milk respectively in the following manner:

(i) Prorate total plant utilization of milk in each class computed in the manner set forth in § 969.4 to receipts from Grade A and Grade B producers by applying the perecentages that receipts from the producers of each such grade of milk are of the total receipts of milk from all producers at such plant or (ii) upon written request not less than 30 days in advance of the delivery period by a handler, who maintains adequate accounts and records of quantities of each grade of milk used in each class, and who practices complete segregation of Grade A and Grade B receipts, the market administrator in applying § 969.4 shall determine a separate classification for Grade A and Grade B milk in such plant.

8. Add as § 969.6 (c) the following:

(c) *Butterfat in skim milk.* A handler may claim, for clasification purposes pursuant to § 969.4, butterfat in skim milk disposed of to others or used in the manufacture of milk products by including the butterfat content of such skim milk in his report for the delivery period filed pursuant to §969.3 (a) (2) or by giving prior notification to the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use 0.06 percent as the butterfat content per hundredweight of such skim milk: *Provided*, That if the handler desires to discontinue accounting for butterfat in skim milk, or after discontinuing the accounting therefor desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the delivery period during which such change shall become effective.

9. Insert " in § 969.9 following the phrase "an amount not exceeding 4 cents per hunderweight" the words ", or such lesser amount as the Secretary may prescribe," and delete from such section the words "the exact sum to be determined by the market administrator, subject to review by the Secretary."

10. Delete from § 969.10 (a) the parenthetical phrase "(or such lesser amount as the market administrator shall determine to be sufficient, such determination to be subject to review by the Secretary)" and substitute therefor the words ", or such lesser amount as the Secretary may prescribe,".

[F. R. Doc. 47-8580; Filed, Sept. 19, 1947; 8:50 a. m.]

NOTICES

NAVY DEPARTMENT

[No. 7]

PATROL VESSELS PCE, PCE (R), PCE (C), PC, PC (C), PCS, AND PCS (C)

NAVIGATION LIGHTS

Whereas, the act of December 3, 1945 (Public Law 239, 79th Congress) provides that any requirement as to the number, position, range of visibility or arc of visibility of navigation lights, requred to be displayed by naval vessels under acts of Congress, as enumerated in said act of December 3, 1945, shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible with respect to such vessel or class of vessels to comply with statutory requirements as to the number, position, range of visibility or arc of visibility of navigation lights; and

Whereas, a study of the arrangement and position of the navigation lights of that type of naval vessels, known as Patrol Vessels, Escort, PCE; Patrol Vessels Escort (Rescue), PCE (R); Patrol Vessels Escort (Control), PCE (C); Patrol Vessels, Submarine Chaser, PC; Patrol Vessels, Submarine Chaser (Control), PC (C); Patrol Vessels, Submarine Chaser, PCS; and Patrol Vessels, Submarine Chaser (Control), PCS (C), has been made in the Navy Department, and, as a result of such study, it has been determined that because of their special construction it is not possible for the types of naval vessels designated above to comply with the requirements of the statutes enumerated in said act of December 3, 1945;

Now, therefore, I, James Forrestal, Secretary of the Navy, as a result of the aforesaid study do hereby find and certify that the type of naval vessels designated above are naval vessels of special construction and that on such vessels, with respect to the position of the additional white light (commonly termed the range light), it is not possible to comply with the requirements of the statutes enumerated in the Act of 3 December 1945. Further, I do find and certify that it is feasible to locate the said additional white light (commonly termed the range light), if such light is installed, forward of the masthead light in such position that the said additional white light and the masthead light shall be in line with the keel and the after light shall be at least fifteen feet higher than the forward light and the vertical distance between the two lights shall be less than the horizontal distance. I further direct that the aforesaid additional white light, if such light is installed, shall be located in the manner above described and I further certify that such location constitutes compliance as closely with the applicable statutes as I hereby find to be feasible.

Dated at Washington, D. C., this 11th day of June A. D. 1947.

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-8541; Filed, Sept. 19, 1947; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

STATION WEMB, SAN JUAN, PUERTO RICO

NOTICE CONCERNING PROPOSED ASSIGNMENT OF PERMIT [1]

The Commission hereby gives notice that on September 8, 1947 there was filed with it an application (BAP-65) for its consent under section 310 (b) of the Communications Act to the proposed assignment of permit for AM station WEMB, San Juan, Puerto Rico from Angel Ramos and Jose Coll Vidal, doing business as El Mundo Broadcasting Company, to El Mundo Broadcasting Corporation, 2 Barbosa, San Juan, Puerto Rico. The proposal to assign the permit arises out of the contract of June 28, 1947 pursuant to which the partners agree to transfer and assign all their rights and interests in and to the permit and assignee proposes to accept the transfer and assume all obligations of assignor. Under the arrangements the parties have recited a consideration of a dollar and other valuable considerations to support the agreement. It appears that although the partnership has assets of $100,000 no money has so far been expended in construction of the station. Expenses entailed in making application have been paid from separate funds of the partners. Full information concerning the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on September 8, 1947 that starting on September 11, 1947 notice concerning the filing of the application would be inserted in "El Mundo", a newspaper of daily circulation at San Juan, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from September 11, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-8584; Filed, Sept. 19, 1947; 8:48 a. m.]

[1] Section 1.321, Part I, Rules of Practice and Procedure.

AM STATION KCBC, DES MOINES, IOWA

NOTICE CONCERNING THE PROPOSED ASSIGNMENT OF LICENSE[1]

The Commission hereby gives notice that on August 11, 1947 there was filed with it an application (BAL–645) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of AM station KCBC, Des Moines, Iowa, from Capital City Broadcasting Company to Kapital City Broadcasting Company. The proposal to assign the license arises out of a contract of June 25, 1947 (as modified by agreement dated August 16, 1947) between George O'Day, Sidney J. Pearlman and Hugh Gallagher and Kapital City Broadcasting Company, pursuant to which said O'Day, Pearlman and Gallagher agree to sell all of their 30,000 shares (100%) of the $1 par value common voting stock of Capital City Broadcasting Company (licensee of KCBC, Des Moines, Iowa) for a total consideration of $133,797.92, to be paid as follows: $18,797.92 to be paid in cash at the time of closing and $115,000 to be paid over a 5 year period, first payment to be made 40 days after consent of the Federal Communications Commission to instant application, $1,000 per month to be paid upon the first of each of 10 months and $12,000 to be paid the 12th month of each year with interest payable semi-annually on the unpaid balance at 5½% for the first 2 years and 5% for the remaining years. The purchaser at closing will deliver to the seller a promissory note in the amount of $115,000, said note to be signed by the purchaser and its share holders as co-makers, they to be jointly and severally liable. Taxes, expenses and obligations incurred by the station between June 25, 1947 and the date of delivery of stock are to be chargeable to the buyer and all receipts are to accrue to the buyer subject to right of use by station. Buyer at closing will cause Capital City Broadcasting Company to make payment of $91,202.08 in cash to George O'Day in payment of moneys advanced to him; and all other debts of said company are to be paid before its dissolution. The agreement also contemplates transfer of the assigning company's rights under conditional grant of application for FM station and the purchaser is to pay to the sellers any expenses or construction costs incidental to the FM grant which have accumulated at the time of closing. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on September 9, 1947 that starting on September 9, 1947 notice of the filing of the application would be inserted in a newspaper of general circulation at Des Moines, Iowa in conformity with the above section.

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from September 9, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–8577; Filed, Sept. 19, 1947; 8:47 a. m.]

AM STATION KWFT, ASSOCIATED RELAY STATIONS KPAK AND KWFR AND CONDITIONAL CONSTRUCTION PERMIT FOR KWFT-FM, WICHITA FALLS, TEX.

NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSES[1]

The Commission hereby gives notice that on September 5, 1947 there was filed with it an application (BAL-643) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of AM Station KWFT, associated relay stations KPAK and KWFR and conditional permit for KWFT-FM from Wichita Broadcasters, a partnership composed of Joe B. Carrigan, Mrs. Joe B. Carrigan, P. K. Smith, Trustee for Laura Lu Carrigan, P. K. Smith and Mrs. Claude M. (Elizabeth C.) Simpson, Jr., to KWFT, Inc., Wichita Falls, Texas. The proposal to assign the above licenses arises out of a contract of July 10, 1947 between the licensee, the proposed assignee, the fiscal agent and the escrow agent under which the partners agreed to sell their entire partnership interests in KWFT and the affiliated stations for a total consideration of $690,000. Of this amount $165,000 is payable within 10 days of notice of Commission approval. The remaining $525,000 is payable in 5 installments represented by promissory notes which will bear interest at 4% per annum, the first four, each in the amount of $75,000, of which will mature respectively August 1, 1948, August 1, 1949, August 1, 1950, and August 1, 1951. The remaining $225,000 note which will bear the same terms will mature August 1, 1952. The deferred payments are to be further secured by general lien upon all station assets and properties. Further arrangements with respect to not depleting the cash resources, declaring dividends or paying executive salaries beyond that to the manager are provided in the contract. The contract also specifically excepts from the transfer certain assets such as cash, credits, deposits, refunds and realty not used or useful in connection with the stations. Details as to the transaction as well as further information with respect thereto will be found with the application and papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases, including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on September 5, 1947, that starting on September 15, 1947, notice of the filing of the application would be inserted in the "Wichita Falls Record News", a daily newspaper of general circulation at Wichita Falls, Texas, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from September 15, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary,

[F. R. Doc. 47–8578; Filed, Sept. 19, 1947; 8:47 a. m.]

FEDERAL FARM MORTGAGE CORPORATION

[Surplus Property Transfer Order 7]

KISATCHIE NATIONAL FOREST

TRANSFER OF JURISDICTION OF SURPLUS FOREST LAND

Transferring jurisdiction of a one-acre tract of surplus forest land within the Kisatchie National Forest, Louisiana, to the Forest Service pursuant to the provisions of the Surplus Property Act of 1944 (58 Stat. 765), as amended.

Whereas, the following described one-acre tract of land owned by the United States of America and situated in Grant Parish, Louisiana, within the Kisatchie National Forest has been declared surplus and classified as forest land pursuant to the provisions of the Surplus Property Act of 1944 (58 Stat. 765), as amended:

LOUISIANA MERIDIAN

T. 8 N., R. 1 W.,

Sec. 1, A tract of land in the form of a square in the southeast corner of NE¼-SE¼, containing one (1) acre, more or less, title to which was acquired by the United States of America in the condemnation proceedings entitled United States of America vs. 4,925 acres of land, more or less, situate in Grant Parish, Louisiana, and W. A. Capps et al., At Law No. 743.

The land hereby transferred is subject to:

1. Existing easements for public roads and highways, public utilities, railroads, and pipe lines; and
2. Reservation and/or exception of all oil, gas, and other mineral rights and other interests of record.

Whereas, the Forest Service is desirous of acquiring administrative control and jurisdiction over the above described one-acre tract of land for administration as a part of the Kisatchie National Forest and the acquisition has been approved by the National Forest Reservation Commission; and

Whereas, the Forest Service has caused the sum of $5.00, which is the fair value of the land, to be covered into the Treas-

ury of the United States for deposit to the credit of the Federal Farm Mortgage Corporation from funds appropriated by the Congress for the acquisition of lands under the provisions of the act of March 1, 1911 (36 Stat. 961), as amended;

Now, therefore, the Federal Farm Mortgage Corporation, pursuant to the authority vested in it in the disposal of surplus agricultural or forest property, by virtue of delegations of authority issued pursuant to the provisions of the aforementioned Act of 1944, does hereby transfer the aforesaid one-acre tract of land to the Forest Service as of this date.

In witness whereof, the Federal Farm Mortgage Corporation has, on this 2d day of September 1947, caused these presents to be duly executed for and in its name and behalf and the seal of the said corporation to be hereunto affixed.

FEDERAL FARM MORTGAGE CORPORATION,
[SEAL] L. S. SHAMBLIN,
Vice President.

[F. R. Doc. 47-8552; Filed, Sept. 19, 1947; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-6071]

DUQUESNE LIGHT CO.

NOTICE OF ORDER GRANTING PERMISSION UNDER BALANCE SHEET ACCOUNTS INSTRUCTION 6-E TO AMORTIZE CHARGES ASSOCIATED WITH BONDS TO BE REDEEMED AND REFUNDED

SEPTEMBER 17, 1947.

Notice is hereby given that, on September 16, 1947, the Federal Power Commission issued its order entered September 16, 1947, granting permission under Balance Sheet Accounts Instruction 6-E to amortize charges associated with bonds to be redeemed and refunded in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-8553; Filed, Sept. 19, 1947; 8:54 a. m.]

[Docket No. IT-6072]

NORTHWESTERN PUBLIC SERVICE CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF PROMISSORY NOTES

SEPTEMBER 17, 1947.

Notice is hereby given that, on September 16, 1947, the Federal Power Commission issued its order entered September 16, 1947, authorizing and approving issuance of promissory notes in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-8554; Filed, Sept. 19, 1947; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 289]

RECONSIGNMENT OF CELERY AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., September 12, 1947, by Larosa & Ray, of car RD 35082, celery, now on the Missouri Pacific to Indianapolis, Ind.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of September 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-8548; Filed, Sept. 19, 1947; 8:54 a. m.]

[S. O. 396, Special Permit 290]

RECONSIGNMENT OF ONIONS AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., September 12, 1947, by Sterling H. Nelson Co., of car PFE 40743, onions, now on the Union Pacific to St. Louis, Mo.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of September 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-8549; Filed, Sept. 19, 1947; 8:54 a. m.]

[Rev. S. O. 620, Special Permit 10]

LIGHT WEIGHING OF CARS AT HOUSTON, TEX.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 620 (12 F. R. 641), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 620 insofar as it applies to the light weighing of 2 cars for loading with import quebracho as ordered by W. R. Zanes & Co., Houston, Texas.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of September 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-8550; Filed, Sept. 19, 1947; 8:54 a. m.]

[S. O. 769, Special Permit 1]

SHIPMENTS OF LUMBER FROM BUCODA, WASH.

Pursuant to the authority vested in me by paragraph (d) of the first ordering paragraph of Service Order No. 769 (12 F. R. 6088), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 769 insofar as it applies to the shipments of lumber by Fleishman Lumber Co. from points on Portland Traction Co. and from Bucoda, Washington.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of September 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-8551; Filed, Sept. 19, 1947; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-995]

NASH-KELVINATOR CORP.

FINDINGS AND ORDER GRANTING PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 16th day of September A. D. 1947.

In the matter of application by the Los Angeles Stock Exchange for unlisted trading privileges in Nash-Kelvinator Corporation, Capital Stock, $5.00 Par Value; File No. 7-995.

The Los Angeles Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Capital Stock, $5.00 Par Value, of Nash-Kelvinator Corporation.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the Boston Stock Exchange and the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Los Angeles Stock Exchange with respect to this security traded on the San Francisco Stock Exchange is Southern California and Arizona; that out of a total of 4,341,000 shares outstanding, 143,285 shares are owned by 1,468 shareholders in the vicinity of the Los Angeles Stock Exchange; and that in the vicinity of the Los Angeles Stock Exchange there were 1,380 transactions involving 130,000 shares from April 1, 1946, to March 31, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly, *It is ordered*, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Los Angeles Stock Exchange for permission to extend unlisted trading privileges to the Capital Stock, $5.00 Par Value, of Nash-Kelvinator Corporation be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-8543; Filed, Sept. 19, 1947; 8:56 a. m.]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC., AND JOHN J. BELL

NOTICE OF TIME FOR FILING WRITTEN REQUEST FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pennsylvania, on the 16th day of September 1947.

In the matter of the application of National Association of Securities Dealers, Inc., on behalf of a member firm for approval of the firm's continuance in membership in the association with John J. Bell as a controlled person.

The National Association of Securities Dealers, Inc., a registered securities association (hereinafter referred to as the Association), has filed with this Commission, on behalf of a member firm, an application for approval of the firm's continuance in membership in the Association, pursuant to the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934.

Among other things, the above application states that:

A. John J. Bell is presently employed by a member firm, a member of the Association in District No. 13, having its principal office in New York, New York.

B. In 1942 and prior thereto, John J. Bell was a partner in the firm of W. F. Thompson & Co., which, at that time, was a member of the Association with offices in New York, New York, in District No. 13.

C. By order of the District Business Conduct Committee for District No. 13 issued on November 4, 1942, in the matter of District Business Conduct Committee v. W. F. Thompson & Co., the firm of W. F. Thompson & Co. was expelled from membership in the Association and fined in the amount of $1,200.00 This fine was paid in full on December 21, 1945. The decision of the District Business Conduct Committee for District No. 13 stated that John J. Bell was a cause of such order.

D. The District Committee for District No. 13 and the Board of Governors of the Association, having reviewed the opinion and record in the proceedings resulting in such order of expulsion and having considered the subsequent activity of John J. Bell and his general reputation in the business community, believe that he should be permitted to engage in the securities business as an employee and registered representative of said member firm, and that the continuance of said member firm in membership in the Association with John J. Bell as an employee and registered representative thereof would be consonant with the stated purposes and policies of section 15A of the act.

Under the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934, as amended, and section 2 of Article I of the Association's By-Laws said member firm may not be continued in membership in the Association so long as John J. Bell is employed by said company, except with the approval of the Securities and Exchange Commission based upon a finding that such approval is appropriate in the public interest.

Notice is hereby given that any interested person may informally present his views or any information relating to this matter by communicating with Peter T. Byrne, Regional Administrator of the Commission's New York Regional Office, Equitable Building, 120 Broadway, New York 5, New York, on or before October 13, 1947, and that within the same time any person desiring that a formal hearing be held may file with the Secretary of the Commission a written request to that effect, together with a brief statement of the nature of his interest in the proceeding and the position which he proposes to take. In the absence of such a request by any person having a bona fide interest in the proceedings, the Commission will either set the matter down for hearing on its own motion after appropriate notice or, if it should appear appropriate to do so, will grant the application on the basis of the record and without formal hearing.

This notice shall be served on said member firm and the Association not less than fifteen (15) days prior to October 13, 1947, and published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act not later than fifteen (15) days prior to October 13, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-8544; Filed, Sept. 19, 1947; 8:55 a. m.]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC., AND MINNESOTA SECURITIES CORP.

NOTICE OF TIME FOR FILING OF WRITTEN REQUEST FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pennsylvania, on the 16th day of September 1947.

In the matter of application of National Association of Securities Dealers, Inc. on behalf of Minnesota Securities Corporation, for approval of its admission to membership in the National Association of Securities Dealers, Inc.

The National Association of Securities Dealers, Inc., a registered securities association (hereinafter referred to as the Association), has filed with this Commission an application for approval of admission to membership in the Association of Minnesota Securities Corporation, pursuant to the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934.

Among other things, the above application states that:

A. A. G. Scheidel is presently president of the applicant corporation.

B. In 1941 and prior thereto A. G. Scheidel was a controlling person in the firm of A. G. Scheidel & Co. of Mankato, Minnesota, which at that time was a member of the Association with offices in District No. 4.

C. By order of the District Business Conduct Committee for District No. 4 issued on September 17, 1941, in the matter of District Business Conduct Committee for District No. 4 v. A. G. Scheidel & Co., the firm of A. G. Scheidel & Co. was expelled from membership in the Association. Mr. A. G. Scheidel was a cause of such order.

D. As a result of such order of expulsion under the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934, as amended, and section 2 of Article I of the Association's By-Laws, the firm of Minnesota Securities Corporation may not be admitted to membership in the Association so long as A. G. Scheidel is an officer thereof, except with the approval or at the direction of the Securities and Exchange Commission.

E. The District Committee for District No. 4 denied the application for membership in this Association, being of the opinion that the statutory bar foreclosed them from any other course. The Board of Governors of this Association reviewed the entire matter, conducted a hearing, and has reconsidered the circumstances relating to the previous expulsion, and believe that the Minnesota Securities Corporation should be admitted to membership in this Association with Mr. A. G. Scheidel as an officer thereof; that Mr. A. G. Scheidel should be permitted to engage in the securities business as an officer and registered representative of the Minnesota Securities Corporation; and that approval of the foregoing by the Securities and Exchange Commission would be consonant to the stated purposes and policies of Section 15A of the Act and recommend that the Commission approve the admission of the Minnesota Securities Corporation, of Rochester, Minnesota, to membership in this Association.

Under the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934, as amended, and section 2 of Article I of the Association's By-Laws, Minnesota Securities Corporation may not be admitted to membership in the Association so long as A. G. Scheidel is an officer of said corporation except with the approval of the Securities and Exchange Commission based upon a finding that such approval is appropriate in the public interest.

Notice is hereby given that any interested person may informally present his views or any information relating to this matter by communicating with Thomas B. Hart, Regional Administrator of the Commission's Chicago Regional Office, 105 West Adams Street, Chicago 3, Illinois, on or before October 13, 1947, and that within the same time any person desiring that a formal hearing be held may file with the Secretary of the Commission a written request to that effect, together with a brief statement of the nature of his interest in the proceeding and the position which he proposes to take. In the absence of such a request by any person having a bona fide interest in the proceeding, the Commission will either set the matter down for hearing on its own motion after appropriate notice or, if it should appear appropriate to do so, will grant the application on the basis of the record and without formal hearing.

This notice shall be served on Minnesota Securities Corporation and the Association not less than fifteen (15) days prior to October 13, 1947, and published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act not later than fifteen (15) days prior to October 13, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-8545; Filed, Sept. 19, 1947; 8:55 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8750, Amdt.]

CARL SCHILL

In re: Stock owned by Carl Schill.

Vesting Order 8750, dated April 16, 1947, is hereby amended as follows and not otherwise:

By deleting from subparagraph 2-a of said Vesting Order 8750, the no par value set forth with respect to capital stock of The Wander Company, 360 North Michigan Avenue, Chicago 1, Illinois, and substituting therefor $100 per value.

All other provisions of said Vesting Order 8750 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 28, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 47-8570; Filed, Sept. 19, 1947; 8:48 a. m.]

[Vesting Order 9734]

HENKEL & CIE., A. G.

In re: United States Treasury notes owned by Henkel & Cie., A.G.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henkel & Cie., G. m. b. H., the last known address of which is Dusseldorf, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8309, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That Uma, A. G., is a corporation organized under the laws of Switzerland, whose principal place of business is located at Chur, Switzerland, and is or, since the effective date of Executive Order 8389, as amended, has been owned or controlled by the aforesaid Henkel & Cie., G. m. b. H., and is a national of a designated enemy country (Germany);

3. That Henkel & Cie., A. G., is a corporation organized under the laws of Switzerland, whose principal place of business is located at Basle, Switzerland, and all of whose capital stock is or, since the effective date of Executive Order 8389, as amended, has been owned by the aforesaid Uma, A. G., and is a national of a designated enemy country (Germany);

4. That the property described as follows: Twenty (20) United States Treasury notes in bearer form, of $100,000 face value each, more particularly described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of Bank of New York, 48 Wall Street, New York, New York, in a safekeeping account entitled to Haakh A/C Henkel ACAG, Basle, together with all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Henkel & Cio., A. G.., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That the persons named in subparagraphs 2 and 3 hereof are controlled by or acting for or on behalf of a designated enemy country (Germany) or a person within such country and are nationals of a designated enemy country (Germany); and

6. That to the extent that the persons named in subparagraphs 1, 2 and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

EXHIBIT A

Description of Issue and Number of Note

1½ percent Series A-1941, dated March 16, 1936, due March 15, 1941: 6747, 6748, 6900.

1⅜ percent Series B-1941, dated June 15, 1936, due June 15, 1941: 4804, 4805, 4885.

1¼ percent Series C–1941, dated December 15, 1936, due December 15, 1941: 1029, 1175, 2793, 2794, 2817, 2917, 2918, 2924, 2930.
1¾ percent Series A–1942, dated June 15, 1937, due March 15, 1942: 5850, 6047, 6168.
1¾ percent Series C–1942, dated December 15, 1937, due December 15, 1942: 3363.
1⅛ percent Series A–1943, dated June 15, 1938, due June 15, 1943: 5239.

[F. R. Doc. 47–8560; Filed, Sept. 19, 1947; 8:47 a. m.]

[Vesting Order CE 397]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN MICHIGAN AND MINNESOTA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on September 12, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Vittorio Fazioli	Italy	Estate of Michael (Mike) Fazioli, deceased. Probate Court, Wayne County, Mich.	$3,947.12	Phillipo Vendetti, general administrator c/o Louis G. Basso, Esq., 1000 Lawyer's Bldg., Detroit 26, Mich.	$72.00
		Item 2			
Guiseppe Fazioli	do	Same	3,947.12	Same	72.00
		Item 3			
Domenico Morisco	do	Estate of Domenico Morisco, also known as Nick Morisco, deceased. Probate Court, Wayne County, Detroit, Mich. File No. 301,455.	1,527.51	County Treasurer of Wayne County, Detroit, Mich.	13.00
		Item 4			
Sabino Morisco	do	Same	1,527.52	Same	13.00
		Item 5			
Vincenza Morisco also known as Vingena Morisco.	do	Same	1,527.52	Same	13.00
		Item 6			
Vincenzo Conti	do	Estate of Anthony Conti, also known as Tony Conti, deceased. Probate Court, Wayne County, Detroit, Mich., File No. 332,545.	4088.92	Mr. Edward J. O'Donnell, administrator, 615 Griswold St., Detroit 26, Mich.	13.00
		Item 7			
Giovani Baptista Conti	do	Same	4,088.92	Same	13.00
		Item 8			
Rocco Antonio Conti	do	Same	4,088.92	Same	13.00
		Item 9			
Antonia Conti Baldinelli	do	Same	4,088.92	Same	13.00
		Item 10			
Francesca Conti Maini	do	Same	4088.92	Same	13.00
		Item 11			
Teresa DaVia DeMaso	do	Estate of Gildo DeMaso, deceased, Probate Court, Calhoun County, Mich.	4,852.83	Treasurer of Calhoun County, County Court House, Marshall, Mich.	53.00
		Item 12			
Guiseppe Rizzo	do	Estate of Sam Rizzo, also known as Sam F. Rizzo, also known as Sam Frank Rizzo, deceased. Probate Court, Ramsey County, Minn., File No. 69683.	Approx. 2,700.00	Mr. Carl Pedro, administrator, 673 Burr St., St. Paul, Minn.	77.00
		Item 13			
Rosaria Rizzo	do	Same	Approx. 2,700.00	Same	77.00
		Item 14			
Ferdinando Orrico	do	Same	Approx. 225.00	Same	6.00
		Item 15			
Maria Orrico	do	Same	Approx. 225.00	Same	6.00
		Item 16			
Francesco Orrico	do	Same	Approx. 225.00	Same	6.00
		Item 17			
Ottavio Guerino	do	Same	Approx. 225.00	Same	6.00

[F. R. Doc. 47–8564; Filed, Sept. 19, 1947; 8:47 a. m.]

[Vesting Order CE 399]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CONNECTICUT, NEW JERSEY, AND NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on September 12, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Mrs. Maria Merlo	Italy	Estate of Peter Louis Negri, deceased. Probate Court, District of Middletown, Middletown, Conn.	$840.00	Russell Back, 363 Main St., Middletown, Conn., administrator.	$100.00
		Item 2			
Surka Cohen or Greenblatt	Russia	Estate of Sarah Greenblatt, deceased. Orphans' Court, Mercer County, Trenton, N. J.	416.04	Orphans' Court, Mercer County, Trenton, N. J.	67.00
		Item 3			
Children of Libby Gitka, names unknown.	Do	Same	832.08	Same	134.00
		Item 4			
Walosin Yeshiva	Poland	Same	249.62	Same	40.00
		Item 5			
Anna Heller	Czechoslovakia	Estate of Katarina P. Schmidt, Orphans' Court, Hudson County, Jersey City, N. J.	654.72	Rudolph Schroeder, executor, 51 Newark St., Hoboken, N. J.	97.00
		Item 6			
Heirs-at-law, next of kin and personal representatives of Pauline Richter, names unknown.	do	Same	130.99	Same	18.00
		Item 7			
Julia Ernst	do	Same	327.20	Same	49.00
		Item 8			
Heirs-at-law, next of kin and personal representatives of Edward Miksch, names unknown.	do	Same	327.00	Same	49.00
		Item 9			
Florian Miksch	do	Same	327.00	Same	49.00
		Item 10			
Widows and Orphans of the Village of Neupfolz, Rhinpfalz.	Germany	Estate of George Antoni, deceased. Surrogate's Court, Westchester County, N. Y. 1887/1944.	Income of trust under the will of George Antoni deceased.	Robert J. McKeever, Esq., 219 Westchester Ave., Port Chester, N. Y., as substitute trustee.	237.00
		Item 11			
Luigi Del Gaizo, Domiciliary Executor of the Estate of Florindo Del Gaizo.	Italy	Estate of Florindo Del Gaizo, deceased. Surrogate's Court, New York County, N. Y. Court Docket No. P-2500-1938.	8,389.07	Robert Charles Schroeder, ancillary executor, c/o Frank, Weil and Strouse, Esquires, 8 West 40th St., New York, N. Y.	380.00

[F. R. Doc. 47-8566; Filed, Sept. 19, 1947; 8:47 a. m.]

[Vesting Order CE 398]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of

said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on September 12, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Name	Column 2 Country or Territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
August Becsicza	Austria	Estate of Louis N. Krenn, deceased. Surrogate's Court, Kings County, N. Y. File No. 1289-1945.	$1,639.82	Treasurer of the City of New York, Municipal Bldg., Chambers St., New York, N. Y., as depositary.	$45.00
		Item 2			
Rose Koller also known as Rose Kaezerofsky.	Austria	Same	1,639.82	Same	45.00
		Item 3			
Lejba Mitelpunkt	Poland	Estate of Joe Mitelpunkt, deceased. Surrogate's Court, New York County, N. Y. Index No. P-347/1945.	1,916.27	Treasurer of the City of New York, Municipal Bldg., New York, N. Y., as depositary.	10.00
		Item 4			
Berko Mitelpunkt	do	Same	1,916.28	Same	10.00
		Item 5			
Yankel Mitelpunkt	do	Same	1,916.28	Same	10.00
		Item 6			
Josef David Mitelpunkt	do	Same	1,916.28	Same	10.00
		Item 7			
Maria Annaloro	Italy	Estate of Luigi Conticello, deceased. Surrogate's Court, Kings County, N. Y. Docket No. 4741-1940.	161.12	Treasurer of the City of New York Municipal Bldg., New York, N. Y.	15.00
		Item 8			
Francesca De Benetto	do	Same	161.12	Same	15.00
		Item 9			
Concetta Casella	do	Same	161.11	Same	15.00
		Item 10			
Giuseppa Alliota	do	Same	161.11	Same	15.00
		Item 11			
Rose Vella	do	Same	161.11	Same	15.00
		Item 12			
Felici Menichino or his heirs, next of kin legatee and distributee's names unknown.	do	Estate of Andrew Menichino, deceased. Surrogate's Court, Queens County, N. Y. Index No. 1145/1945	594.98	Same	54.00
		Item 13			
Maddalena Desiderio	do	Estate of Alessandra Desiderie Cioffi, deceased. Surrogate's Court, Kings County, N. Y. Docket No. 283-39.	352.00	Same	16.00
		Item 14			
Mattia Lucciano	do	Same	117.33	Same	5.00
		Item 15			
Giovanni Lucciano	do	Same	117.33	Same	5.00
		Item 16			
Luigia Lucciano	do	Same	117.33	Same	5.00
		Item 17			
Simcha Badanes	Russia	Estate of Gussie Weinstein, deceased. Surrogate's Court, New York County, N. Y. Docket No. P2357-42.	221.13	Same	26.00
		Item 18			
Zlata Kaganowitz	do	Same	132.30	Same	16.00
		Item 19			
Rachel Paskar-Sotch	do	Estate of Becky Pollak, deceased. Surrogate's Court, New York County, N. Y. Docket No. P749-1944.	495.00	Same	77.00

[F. R. Doc. 47-8565; Filed, Sept. 19, 1947; 8:47 a. m.]

[Vesting Order CE 400]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA AND OREGON COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court of administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on September 12, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Marie Richta	Czechoslovakia	Estate of Alois Reiner, also known as Louis Reiner, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco.	$1,666.66	Milan Dulik, executor, c/o Tobin & Tobin, Hibernia Bank Bldg., San Francisco, Calif.	$146.00
		Item 2			
Luiza Klimova	do	Same	555.55	Same	49.00
		Item 3			
Hermina Horinkova	do	Same	555.55	Same	49.00
		Item 4			
Anna Manova	do	Same	185.18	Same	16.00
		Item 5			
Kamila Manova	do	Same	185.19	Same	16.00
		Item 6			
Jana Manova	do	Same	185.19	Same	16.00
		Item 7			
Girolamo Giancola	Italy	In the Matter of the Estate of Simone Giancola, also known as Simone Gionacola, deceased, in the Superior Court of the State of California, in and for the County of Yolo, No. 4809.	241.25	Treasurer of Yolo County, State of California, Woodland, Calif.	36.00
		Item 8			
Anthony Kedras	Greece	Estate of George Macrandrias, deceased, Superior Court, State of California, in and for the City and County of San Francisco.	220.00	Market and Montgomery St. Office, Bank of America National Trust and Savings Association, San Francisco, Calif. Account No. 1936.	2.66
		Item 9			
George Lucas Sycas	do	Same	594.29	Market and Montgomery Street Office, Bank of America National Trust and Savings Association, San Francisco, Calif. Account No. 1920.	7.17
		Item 10			
Lucas George Sycas	do	Same	594.28	Market and Montgomery St. Office, Bank of America National Trust and Savings Association, San Francisco, Calif. Account No. 1930.	7.17
		Item 11			
Giovanni Delucchi	Italy	Estate of Louis Deluchi, deceased, in the Circuit Court of the State of Oregon, in and for the County of Multnomah, No. 55066.	1,551.00	Giovanni Cereghino, R. 2, Box 136, Troutdale, Oreg., executor.	23.00
		Item 12			
Maria Delucchi	do	Same	1,351.00	Same	23.00

[F. R. Doc. 47-8567; Filed, Sept. 19, 1947; 8:48 a. m.]

[Vesting Order CE 401]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN A NEW YORK COURT

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name.

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on September 12, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Fagel Pruzanski	Poland	Estate of David Sobel, deceased, Surrogate's Court, Kings County, N. Y. Docket No. 4433-1942.	$475.00	Treasurer of the City of New York, Municipal Bldg., New York, N. Y.	$75.00
		Item 2			
Rose Rosenszain	do	Same	475.00	Same	75.00
		Item 3			
Pauline Kulwarski	do	Same	475.00	Same	75.00

[F. R. Doc. 47-8568; Filed, Sept. 19, 1947; 8:48 a. m.]

[Vesting Order CE 402]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEBRASKA, WISCONSIN, OHIO, AND ILLINOIS COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on September 12, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Kata Vresk	Yugoslavia	Estate of Valent Vresk, deceased, County Court of Douglas County, Nebr., book 63, page 80.	$541.01	Michael Kasun, attorney-in-fact for Kata Vresk, c/o Anthony Zaleski, attorney, 4819½ South 24th St., Glasgow Bldg., Omaha 7, Nebr.	$50.00
		Item 2			
Jakob Dokl	Austria	Estate of Frank Dockl, deceased, Probate Court, Milwaukee County, Milwaukee, Wis.	1,522.10	First Wisconsin National Bank, Foreign Department, Milwaukee, Wis.	87.00
		Item 3			
Helen McClees	Italy	Trust under the will of Harry L. McClees, deceased, Probate Court, Franklin County, State of Ohio.	(1)	The City National Bank & Trust Co., trustee, Columbus, Ohio.	112.00
		Item 4			
Johanna Poinstengel	Austria	Estate of John Frederick Hanselmann, deceased, Probate Court, Sangamon County, Ill. File No. 19721.	1,000.00	County Treasurer of Sangamon County, Springfield, Ill.	96.00

[1] Income and principal of Trust under the will of Harry L. McClees, deceased.

[F. R. Doc. 47-8569; Filed, Sept. 19, 1947; 8:48 a. m.]

STAATSBEDRIJF DER POSTERIJEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Staatsbedrijf der Posterijen, Telegrafie en Telefonie 12, Kortenaerkade, The Hague, Netherlands; 6427; Property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943) relating to U. S. Letters Patent No. 2,279,353 to the extent owned by claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on September 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8571; Filed, Sept. 19, 1947; 8:48 a. m.]

[Return Order 46]

ENRIQUE KUMMERFELDT

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the determination be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim Number, Notice of Intention to Return Published, and Property

Enrique Kummerfeldt, aka Enrique Kummerfeldt Koops, aka H. Kummerfeldt, Guatemala City, Guatemala, 1964; 12 Fed. Reg. 5374, August 7, 1947; 362 shares of common capital stock of the Central American Plantations Corporation, registered in the name of the Attorney General of the United States, presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York; $26,426.00 in the Treasury of the United States representing liquidating dividends from said shares.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., September 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8572; Filed, Sept. 19, 1947; 8:46 a. m.]

[1] Filed as part of the original document.

[Vesting Order 9737]

FRIEDA BAUER

In re: Stock owned by Frieda Bauer. F-28-8373-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Bauer, whose last known address is Sonnenberger Strasse 29, Wiesbaden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Twelve (12) shares of $100 par value 6% cumulative convertible prior preference capital stock, Series A, of Republic Steel Corporation, Republic Building, Cleveland, Ohio, a corporation organized under the laws of the State of New Jersey, evidenced by certificate number NYPPO 8,244, registered in the name of Frieda Bauer (Witwe), together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8561; Filed, Sept. 19, 1947; 8:47 a. m.]

[Vesting Order 9777]

KANEICHI NII

In re: Real property and a claim owned by Kaneichi Nii, also known as Kenichi Nii.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kaneichi Nii, also known as Kenichi Nii, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Real property situated at Waikele Waipahu, Oahu, T. H., particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. That certain debt or other obligation owing to Kaneichi Nii, also known as Kenichi Nii by Shozo Nii, doing business as S. Nii Store, arising out of rents collected from the property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All of that certain parcel of land (portion of the land described in Royal Patent Num-

ber 5694, Land Commission Award Number 6545, Apana 1 to H. Haalilio and a portion of Boundary Certificate No. 20 to John Hamauku) situate, lying and being at Ohua, Waikelo, in the District of Ewa, City and County of Honolulu, Territory of Hawaii, being Lot "A", and thus bounded and described:

Parcel No. 1. Beginning at the Southeast corner of this piece of land on the West bank of the Kapakahi Stream, being also the Northwest end of present wooden bridge, the true azimuth and distance of the said point to a pipe driven at the Northwest corner of Lot 10, Land Court Application 779 being 339°06' 28.75 feet, and running by azimuths measured clockwise from true South:

1. 105°50' 170.00 feet along the North side of right of way;
2. 15°50' 14.80 feet along the West end of right of way;
3. 105°50' 105.80 feet along the remaining portion of R. P. 5694 L. C. Aw. 6545 Apana 1 to H. Haalilio, to a pipe;
4. 199°50' 140.10 feet along the same, to a pipe;
5. 294°16' 218.60 feet along the South bank of the Kapakahi Stream;
6. 311°48' 25.54 feet along the West bank of the Kapakahi Stream;
7. 348°10' 61.30 feet along the West bank of the Kapakahi Stream;
8. 19°14' 27.50 feet along the West bank of the Kapakahi Stream, to the point of beginning.

Containing an Area of 29,200 Square Feet, or 0.670 Acre, or thereabouts.

All of that certain parcel of land (portion of the land described in Royal Patent Number 5694, Land Commission Award Number 6545, Apana 1 to H. Haalilio and a portion of Boundary Certificate No. 20 to John Hamauku) situate, lying and being at Ohua, Waikele, in the District of Ewa, City and County of Honolulu, Territory of Hawaii, and thus bounded and described:

Parcel No. 2. Beginning at the Northeast corner of this piece of land the true azimuth and distance of the said point of beginning from a pipe driven at the Northwest corner of Lot 10, Land Court Appl. 779, by traverse, being: (a) 159°06' 28.75 feet and (b) 105°50' 30.0 feet, and running by azimuths measured clockwise from true South:

1. 15°50' 14.8 feet;
2. 105°50' 140.0 feet;
3. 195°50' 14.8 feet;
4. 285°50' 140.0 feet to the point of beginning.

Containing an Area of 2,072 Square Feet, or thereabouts.

Together with fifty percent (50%) of additional undivided interest of right of way to use in common with the Owners and occupants of the above mentioned lot and the remaining portion of L. C. Aw. 6545 Apana 1 to H. Haalilio for a road purpose only, which Right of Way is described as follows:

Beginning at the Northeast corner of this piece of land on the West bank of the Kapakahi Stream, the true azimuth and distance of the said point of beginning to a pipe driven at the Northwest corner of Lot 10 of Land Court Application 779 being 339°06' 28.75 feet and running by azimuths measured clockwise from true South:

1. 339°06' 17.46 feet along the West bank of the Kapakahi Stream;
2. 105°50' 41.04 feet;
3. 195°50' 14.80 feet;
4. 285°50' 30.00 feet to the point of beginning and containing an area of 526 square feet.

[F. R. Doc. 47-8562; Filed, Sept. 19, 1947; 8:47 a. m.]

[Vesting Order 9802]

EUGENE AND ELSE PRACHT

In re: Real property, property insurance policy and bank acount owned by Eugene Pracht, also known as Eugen Pracht, and Else Pracht, also known as Elsie Pracht.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eugene Pracht, also known as Eugen Pracht, and Else Pracht, also known as Elsie Pracht, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the County of Ste. Genevieve, State of Missouri, particularly described as Lot numbered Six (6) in Block No. 3 of "Geneva Homesites" as the same appears of record at page 19 of the Plat Book, in the office of the Recorder of Deeds of Ste. Genevieve County, Missouri, being situate in fractional Section 29, Township 38, North Range 9 East, in Ste. Genevieve County, Missouri, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title and interest of the persons named in subparagraph 1, in and to Fire and Windstorm Insurance Policy No. OC MO 76790, in the amount of $2,550.00, issued by Continental Insurance Company, 80 Maiden Lane, New York, New York, which policy insures the real property described in subparagraph 2-a hereof, and expires August 4, 1949,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Eugene Pracht, also known as Eugen Pracht, and Else Pracht, also known as Elsie Pracht, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation owing to Eugene Pracht, also known as Eugen Pracht, by Henry L. Rozier Bank, Ste. Genevieve, Missouri, arising out of a checking account, entitled "Eugene Pracht," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Eugene Pracht, also known as Eugen Pracht, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 3 hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 15, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8563; Filed, Sept. 19, 1947; 8:47 a. m.]

[Vesting Order 9701]

MARY SCHNEIDER

In re: Debt owing to Mary Schneider, also known as Mrs. Karl Schneider. F-28-15141-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Schneider, also known as Mrs. Karl Schneider, whose last known address is Hockenheim in Baden, Karlsruher Strasse 12, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Mary Schneider, also known as Mrs. Karl Schneider, by Pyramid Building and Loan Association, 2423 West North Avenue, Milwaukee 5, Wisconsin, arising out of paid up stock savings account, evidenced by a certificate numbered 4031, and any and all rights to demand, enforce and collect the aforesaid debt,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy coun-

try, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8534; Filed, Sept. 18, 1947; 8:48 a. m.]

[Vesting Order 9730]

FREIHERR GOTZ VON WANGENHEIM AND FRANZ ZUR NEDDEN

In re: Stock owned by Freiherr Gotz Von Wangenheim and Franz Zur Nedden. F-28-17192-D-1, F-28-24119-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Freiherr Gotz Von Wangenheim, whose last known address is Eduard-Klein-Gasse 3, Wein-Hietzing, Germany, and Franz Zur Nedden, whose last known address is Geisbergstr. 5-6, Privat Wohnung, Berlin, W. 30, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Twenty (20) shares of no par value $3 cumulative preference capital stock of The United Corporation, 901 Market Street, Wilmington 7, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 3029 and 3030, registered in the name of Freiherr Gotz Von Wangenheim, together with all declared and unpaid dividends thereon, and all rights of exchange thereof for $5 par value $3 cumulative preference capital stock of said The United Corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Freiherr Gotz Von Wangenheim, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: Sixty (60) shares of no par value common capital stock of The United Corporation, 901 Market Street, Wilmington 7, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 185624, registered in the name of Franz Zur Nedden, together with all declared and unpaid dividends thereon, and all rights of exchange thereof for $1 par value common capital stock of said The United Corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Franz Zur Nedden, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8530; Filed, Sept. 18, 1947; 8:48 a. m.]

[Vesting Order 9731]

ANNA WAGEMANN

In re: Stock owned by Anna Wagemann. F-28-82-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Wagemann, whose last known address is Harrlstrasse 8, Buckeburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Twenty (20) shares of $100 par value 7% cumulative preferred capital stock of American Smelting and Refining Company, 120 Broadway, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificate number A7783, registered in the name of Anna Wagemann, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8531; Filed, Sept. 18, 1947; 8:48 a. m.]

[Vesting Order 9741]

MARIE KOEPPLER

In re: Stock owned by Marie Koeppler. F-28-13778-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Koeppler, whose last known address is Adelsheim, Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of $20.00 par value common capital stock of California-Pacific Utilities Company, 405 Montgomery Street, San Francisco 4, California, a corporation organized under the laws of the State of California, evidenced by certificate number C-34, registered in the name of Marie Koeppler, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8532; Filed, Sept. 18, 1947; 8:48 a. m.]

[Vesting Order 9748]

ERNEST H. SPIELMANN

In re: Stock owned by Ernest H. Spielmann. F-28-23398-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernest H. Spielmann, whose last known address is Berlin-Spandau, Hasemark 23, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: One (1) share of no par value common capital stock of National Dairy Products Corporation, 230 Park Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 124219, registered in the name of Ernest H. Spielmann, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8533; Filed, Sept. 18, 1947; 8:48 a. m.]